PROVINCE OF AUCKLAND.

PRE-EMPTIVE LAND CLAIMS ACT.

IN THE NINETEENTH YEAR OF THE REIGN OF HER MAJESTY QUEEN VICTORIA.

SESSION 5. No. 6.

ANALYSIS.

Title.
Preamble.
1. The Governor may appoint a Commissioner to investigate and report on Pre-emptive Land Claims.
2. Commissioner to pursue such investigations for 18 months (and no longer) after passing of Act, and to hold open Courts, for that purpose, in divers places: may admit evidence given before former Commissioner.
3. Power to Commissioner to demand and receive minutes of evidence given before former Commissioner.
4. Commissioner to give public notice of the holding of his courts.
5. Commissioner to transmit, from time to time, to the Governor, reports of the cases investigated.
6. Purchaser, or person claiming under him, to be furnished, at his expense, with a copy of report on his case, and with a certificate of the amount of compensation to which he is equitably entitled. Commissioner to transmit to Superintendent a duplicate of certificate.
7. Short title.

AN ACT *to Provide for the Adjustment of the Pre-emptive Land Claims.* Title.

WHEREAS His Excellency Captain Robert Fitzroy, being Governor of the Colony of New Zealand, did, by two Proclamations, bearing date at Auckland, in the said Colony, the twenty-sixth day of March and the tenth day of October, in the year one thousand eight hundred and forty-four, respectively, Preamble.

waive Her Majesty's right of pre-emption to and over certain lands of the aboriginal natives of the said Colony, situate in the Province of Auckland:

And whereas certain persons did, under and in pursuance of the provisions in that behalf contained in the said proclamations, purchase of the said natives portions of the lands so situate:

And whereas it was further proclaimed and declared that no grant, on behalf of the Crown, of lands so purchased, would be issued to any person not being the first purchaser thereof from such natives, or the real or personal representative of such purchaser, unless and until such Commissioner as therein mentioned should have investigated and reported on the claims thereto of such person, and recommended that such grant should be issued to him:

And whereas a Commissioner, being such as aforesaid, was appointed, in the year one thousand eight hundred and forty-seven, to investigate and report on such claims, and did investigate and report on divers thereof:

And whereas the said Commissioner did, in such reports, made from time to time, recommend that grants of certain parcels of the said lands should be respectively issued, on behalf of the Crown, to certain of the said claimants:

And whereas, in certain cases, grants of such parcels were issued in accordance with such recommendation; but, in other cases, the grants issued to certain of the said claimants were not for the whole, but for a part only of the parcels so recommended to be granted to them respectively:

And whereas there are still certain persons having claims to lands purchased under such proclamations, which have not been hitherto investigated and reported on by any such Commissioner, and it is essential to the advancement and prosperity of the said Province that the same should be, with as little delay as possible, investigated, reported on, and finally adjusted and settled:

Be it therefore enacted, by the Superintendent of the Province of Auckland, with the advice and consent of the Provincial Council thereof as follows:

The Governor may appoint a commissioner to investigate and report on pre-emptive land claims.

1. His Excellency the Governor of New Zealand may, from time to time, and whensoever and as often as the occasion shall require, by warrant under his hand, appoint a competent person to enquire into and report on all such purchases of lands as aforesaid, and the mode and manner and circumstances in and under which such purchases were effected, and the consideration received by the vendors of such lands in respect of such pur-

chases respectively; which person shall be styled "The Pre-emptive Land Claims Commissioner."

2. Such Commissioner may, from time to time, during eighteen months (and no longer), and from and after the passing of this Act, at such places in the said Province as he shall deem meet, hold open Courts, for the purpose of enquiring into all such purchases, and matters thereunto relating, as aforesaid, and may adjourn such Courts, as often as he shall deem meet, from day to day, and from place to place; and may, in prosecuting such enquiries, adopt such minutes of evidence, touching and concerning any of the said purchases and matters, as was given at any time before such Commissioner as aforesaid.

Commissioner to pursue such investigations for 18 months (and no longer) after passing of Act, and to hold open courts, for that purpose, in divers places: may admit evidence given before former commissioner.

3. Such Commissioner is hereby authorized and empowered to demand and receive, for the purpose of prosecuting such enquiries, all such minutes of evidence, as aforesaid, and all deeds, papers, and other writings, forming part of or referred to in such evidence.

Power to Commissioner to demand and receive minutes of evidence given before former Commissioner.

4. Such Commissioner shall, from time to time, as the occasion may require, by notifications in the "*Government Gazette*" for the Province of Auckland, appoint the respective times and places for the holding of such Courts, which notifications shall be deemed sufficient notice of the holding thereof to all persons interested in the enquiries to be prosecuted therein, as and in manner aforesaid.

Commissioner to give public notice of the holding of his courts.

5. Such Commissioner shall, from time to time, draw up a report touching and concerning such purchases and matters as aforesaid as he shall have, in manner aforesaid, enquired into, and shall transmit the same unto His Excellency the Governor for his information; and in every such report, the said Commissioner shall (*inter alia*) set forth, to the best of his knowledge and belief, a summary of the evidence given before, or submitted to him in each case so enquired into, and the area and situation of every parcel of land so purchased; the names of the vendor and purchaser thereof; the consideration paid or given for such parcel by the said purchaser; whether such parcel, or any and what portion thereof, has been conveyed on behalf of the Crown to such purchaser, or to the person claiming under him; and, in the event of the said purchaser, or the person so claiming under him, being or having been prevented, in any manner whatsoever, by the agents of the Crown, from entering upon and enjoying such parcel or part to and for his own use, the amount of compensation, in pounds sterling, to which such purchaser or person has an equitable claim, in consequence of being, or having been, so prevented.

Commissioner to transmit, from time to time, to the Governor, reports of the cases investigated.

6. Such Commissioner shall furnish unto every such purchaser, or the person so claiming under him as aforesaid, and at the request and expense of such purchaser or person, a copy of the report on his claim so drawn up and transmitted, as and in manner aforesaid; and also a certificate, under the hand and seal of such Commissioner, settting forth the said amount of compen-

Purchaser or person claiming under him to be furnished, at his expense, with a copy of report on his case, and with a certificate of the amount of compensation to which he is equitably

entitled. Commissioner to transmit to Superintendent a duplicate of certificate.

sation to which the said purchaser or person has such equitable claim as aforesaid; and such Commissioner shall transmit unto the said Superintendent a duplicate of every certificate so furnished or issued.

Short title.

7. The short title of this Act shall be "*The Pre-emptive Land Claimants Act*, 1856."

T. H. Bartley,
Speaker.

Passed the Provincial Council this thirty-first day of March, One thousand eight hundred and Fifty-six.

Stephen E. Hughes,
Clerk of Auckland Provincial Council.

On this Seventh day of April, One thousand eight hundred and Fifty-six, I assent to this Act on behalf of the Governor.

J. Logan Campbell,
Superintendent.