

## New Zealand.

ANNO TRICESIMO PRIMO

V I C T O R I Æ R E G I N Æ .

No. 60.

**AN ACT to provide for the Settlement of** Title.  
**certain Land Claims in the Province**  
**of Otago.** [10th October 1867.]

**W**HEREAS John Jones of Dunedin in the Province of Otago Preamble.  
 merchant did in the present session of Parliament present Petitions to  
 the Legislative Council and House of Representatives respectively  
 stating—(1.) That in the year one thousand eight hundred and thirty  
 he purchased from the Native Chiefs of the Middle Island of New  
 Zealand a large tract of land at and surrounding Waikouwaite in  
 the Province of Otago (2.) That in the year one thousand eight  
 hundred and forty he preferred a claim to the said land which claim  
 was in the year one thousand eight hundred and forty-three investi-  
 gated by Commissioners Godfrey and Richmond who certified that he  
 had paid to the Natives three thousand nine hundred and fifty-seven  
 pounds fifteen shillings (£3957 15s.) and recommended that two  
 thousand five hundred and sixty (2560) acres of land should be  
 awarded to him (3.) That he had at various times paid to the  
 Natives of New Zealand upwards of eight thousand pounds (£8000)  
 for lands purchased by him from them and had in addition thereto  
 expended a large sum of money for their benefit (4.) That the report  
 of Commissioners Godfrey and Richmond together with his claims  
 having been considered by Governor Fitzroy and his Executive  
 Council that Council on the twenty-fourth December one thousand  
 eight hundred and forty-four recommended that his case should be  
 referred to the Commissioner of Land Claims with authority to  
 recommend an extension of the grant (5.) That Governor Fitzroy  
 thereupon on the said twenty-fourth day of December one thousand  
 eight hundred and forty-four referred the case to Commissioner  
 Fitzgerald and after informing him that it was one deserving of much  
 consideration stated that he should be prepared to confirm a large  
 award (6.) That Mr. Commissioner Fitzgerald on the twenty-seventh  
 day of December one thousand eight hundred and forty-four after  
 having considered his claims recommended that ten thousand (10,000)  
 acres should be awarded to him at the same time stating that his  
 payments to the Natives would under Schedule B. of the Act entitle  
 him to thirteen thousand one hundred and ninety-two (13,192) acres  
 and that he had probably invested not only a larger capital in land  
 than any other claimant but had unquestionably done much for the  
 amelioration of the Aborigines of the Province of New Munster  
 (7.) That on the said twenty-seventh day of December one thousand  
 eight hundred and forty-four Governor Fitzroy confirmed Mr.  
 Commissioner Fitzgerald's award to the extent of eight thousand five

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hundred and sixty (8560) acres and on the thirty-first day of the same month his agent was by Governor Fitzroy's instructions written to and informed that the Governor had awarded him eight thousand five hundred and sixty (8560) acres of land on his claims to lands near Otakou in the Middle Island and that grants from the Crown would be prepared conformably to boundaries to be furnished by him for that quantity (8.) That he thereupon at an expense of upwards of four hundred pounds (£400) procured a survey of the land to be made by a competent surveyor that he furnished a plan thereof to the Government who through the Surveyor-General approved of the same and that a Crown Grant was accordingly prepared in his favour for eight thousand five hundred and sixty (8560) acres (9.) That on the said grant being submitted to His Excellency Sir George Grey (who in the year one thousand eight hundred and forty-six succeeded Governor Fitzroy in the Government of New Zealand) His Excellency refused to sign the same on the ground as he was informed that His Excellency was then endeavouring by *scire facias* to repeal excessive grants which had been made to other claimants A grant for two thousand five hundred and sixty (2560) acres was however made to him which he accepted as part satisfaction of his claims upon receiving His Excellency's assurance that such acceptance should not prejudice his claim to a grant for the larger amount awarded by Governor Fitzroy should grants of greater extent than two thousand five hundred and sixty (2560) acres be at any future time given to any other claimants (10.) That several land claimants whose claims like his the Government had sought to limit to two thousand five hundred and sixty (2560) acres had received or had had confirmed to them grants of land to a much larger extent (11.) That he was prepared to produce certified copies of correspondence and other papers necessary to establish the truth of all the statements he had made in his petition as also the original survey plan of the land awarded to him by Governor Fitzroy And praying that the facts of his case might be inquired into and that such other steps might be taken therein as shall seem meet for his relief from the great hardship and injury he had sustained through the land awarded to him by Governor Fitzroy having been withheld from him

And whereas the said land at Waikouwaite has become of considerable value in consequence of the settlement there of a numerous population And whereas some of the said lands claimed by the said John Jones were constituted into a town And whereas some of the lands were offered for sale and the said John Jones could only obtain them by purchasing them at a considerable advance on the upset price And whereas it is expedient that provision should be made for the final settlement of the claims of the said John Jones in respect of the said lands in manner hereinafter mentioned

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows—

1. The Short Title of this Act shall be "The John Jones Land Claims Settlement Act 1867."

2. If within thirty days after the passing of this Act the said John Jones shall by a notice in writing signed by him and attested by two witnesses signify to the Colonial Secretary that he is willing to accept such settlement of his claims against the Crown set forth in the said petition as the Governor is by this Act empowered to make it shall be lawful for the Governor to issue to the said John Jones a Land Order in the form in the Schedule hereto which shall authorize the said John Jones to purchase to the amount of eight thousand five hundred pounds any of the Waste Lands of the Crown in the Province of Otago open

Short Title.

Governor empowered to issue Land Order to John Jones for purchase of land to amount of £8500 acceptance of Land Order to be settlement of claims.

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for sale or selection without payment in cash at auction or by selection without auction or otherwise but subject in every respect to the law in force for the time being regulating the sale and disposal of the Waste Lands of the Crown in the said Province and the price at which such lands shall be sold except only so far as the such law requires payment for such lands to be made in money or cash. Provided however that the right to make any such purchase shall be exercised within twelve months from the passing of this Act and not afterwards and the acceptance of such Land Order by the said John Jones shall be deemed a final settlement of all and every claim whatever of the said John Jones in respect of the matters set forth in the said petition or in any way relating thereto.

3. It shall be lawful for the said John Jones to exercise such right wholly at one time or from time to time (provided the same be exercised before the expiration of such period aforesaid) and to purchase under such Land Order land in one parcel or in more parcels than one but not exceeding three parcels and whenever the said Land Order shall be exercised by the purchase or selection of any such land as aforesaid the said John Jones shall at the time when under the law in force in the said Province regulating the sale of Waste Lands of the Crown he would be bound to pay any deposit or purchase money if such purchase had been made simply under such law and not under this Act produce such Land Order to the person or persons to whom such deposit or purchase money would be payable and such person or persons shall thereupon note by endorsement upon such Land Order the sum of money which would be payable by the said John Jones as such deposit or purchase money as aforesaid and shall also give to the said John Jones a receipt or certificate in the like form and to the like effect as the said John Jones would be entitled to receive if he had paid in cash the sum so endorsed and such receipt or certificate shall have the same force and effect as if the said John Jones had paid such sum so endorsed as aforesaid.

John Jones may exercise right at several times and over several parcels of land.

4. In the event of the death of the said John Jones before such Land Order shall be issued or before such Land Order shall be exercised such order may be issued to or exercised by any person appointed in writing for the purpose by the said John Jones.

Right to survive to John Jones's appointee.

## SCHEDULE.

## LAND ORDER.

By virtue and in exercise of the power vested in me in this behalf by "The John Jones Land Claims Settlement Act 1867" I hereby authorize John Jones of Dunedin in the Province of Otago merchant to purchase to the amount of                      thousand pounds any of the Waste Lands of the Crown in the said Province open for sale or selection without payment in cash therefore subject however in all respects to the provisions in the said Act contained.

Governor.

Dated the                      day of                      one thousand eight hundred and sixty

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