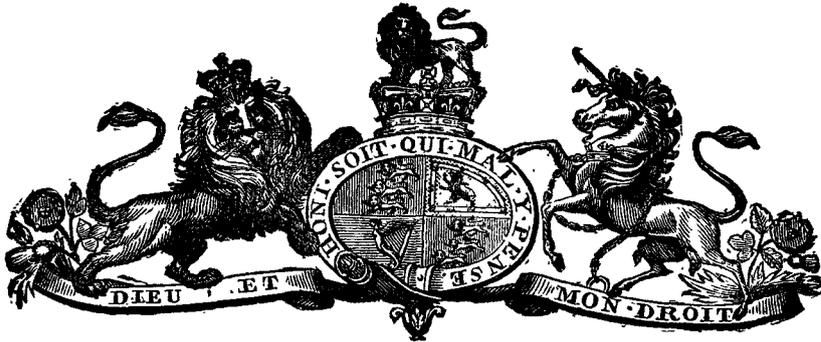


NEW ZEALAND.



TRICESIMO QUINTO

VICTORIÆ REGINÆ.

No. LXVIII.

ANALYSIS.

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| <p>Title.
Preamble.
1. Short Title.
2. Judge of the Supreme Court appointed Commissioner.
3. Commissioner to determine whether London and Whitaker had any rights.</p> | <p>4. Either party may appeal to the Court of Appeal.
5. If determination as to rights in their favour Judge to determine amount of compensation.
6. Power of Court.
7. Commissioner's award to be final.</p> |
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AN ACT to appoint a Commissioner to inquire into and determine certain Claims to Compensation by John Lundon and Frederick Alexander Whitaker for rights alleged to have been taken away by "The Native Lands Act 1869." [14th November 1871.] Title.

WHEREAS John Lundon and Frederick Alexander Whitaker Preamble. allege that certain rights possessed by them in respect of land situate at Grahamstown in the Province of Auckland have been prejudicially affected by the passing of the eighth section of "The Native Lands Act 1869" or by the proceedings taken in the Native Land Court in pursuance of the said section And whereas the said John Lundon and Frederick Alexander Whitaker have applied to the House of Representatives for compensation for the loss they have thereby sustained And whereas it is expedient that a Commissioner should be appointed to inquire and determine whether and to what extent the rights of the said John Lundon and Frederick Alexander Whitaker have been prejudicially affected by the said Act and if so affected what amount of compensation they are justly entitled to:

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 Lundon and Whitaker Claims Act 1871." Short Title.

Lundon and Whitaker Claims.

Judge of the Supreme Court appointed Commissioner.

2. The Governor shall as soon as conveniently may be after the passing of this Act appoint one of the Judges of the Supreme Court of New Zealand to be a Commissioner under this Act for the purposes and with the powers hereinafter mentioned.

Commissioner to determine whether Lundon and Whitaker had any rights.

3. The said Commissioner shall by such ways and means as he may think fit inquire and determine whether John Lundon and Frederick Alexander Whitaker possessed any rights at law or in equity in respect of certain lands situate at Grahamstown in the Province of Auckland which have been improperly or unconstitutionally taken away or prejudicially affected by the passing of "The Native Lands Act 1869" or by the proceedings taken in the Native Land Court in pursuance of the said Act. Provided that the question hereinbefore referred to the Commissioner shall be submitted to him in the form of a special case if the Governor on the one part and the said John Lundon and Frederick Alexander Whitaker on the other part can agree upon the facts to be stated.

Either party may appeal to the Court of Appeal.

4. If either the Governor or the said John Lundon and Frederick Alexander Whitaker shall be dissatisfied with the decision of the Commissioner on the question aforesaid the said question shall be submitted to the Court of Appeal for their opinion thereon at its next sitting after the decision of the Commissioner and in such case the decision of the Court of Appeal shall be deemed to be and shall have the same effect as the decision of the Commissioner.

If determination as to rights in their favour Judge to determine amount of compensation.

5. If it shall be determined that the said John Lundon and Frederick Alexander Whitaker had such rights as aforesaid the Commissioner shall then proceed to determine the amount of compensation to which they are entitled by reason of such rights having been taken away or prejudicially affected by the said Act.

Power of Court.

6. The Commissioner shall have the same powers as are given to Commissioners by "The Commissioners Powers Act 1867."

Commissioner's award to be final.

7. The award of the Commissioner in writing under his hand shall be final and conclusive and if he shall award that the said John Lundon and Frederick Alexander Whitaker are entitled to any sum of money by way of compensation in respect of any rights so prejudicially affected or taken away as aforesaid the Colonial Treasurer is hereby authorized and required to pay such sum to the said John Lundon and Frederick Alexander Whitaker out of moneys to be appropriated for such purpose by the General Assembly.

WELLINGTON, NEW ZEALAND:

Printed under the authority of the New Zealand Government, by GEORGE DIDSBUXY, Government Printer.