

No. XIV.

LAND CLAIMS.

AN ORDINANCE to amend an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof (Session I., No. 2).
[25th February, 1842.]

Preamble.

WHEREAS by an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, (Session I., No. 2,) intituled "*An Ordinance to repeal within the said Colony of New Zealand a certain Act of the Governor and Legislative Council of New South Wales, made and passed in the fourth year of the reign of Her present Majesty and adopted under an Ordinance of the Governor and Legislative Council of New Zealand,*
for

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for extending the Laws of New South Wales to the said Colony of New Zealand, and which said Act of the Governor and Council of New South Wales is intituled 'An Act to empower the Governor of New South Wales to appoint Commissioners with certain powers to examine and report on Claims to Grants of Land in New Zealand, and also to terminate any Commission issued under the same, and to authorize the Governor of the Colony of New Zealand to appoint Commissioners with certain powers to examine and report on Claims to Grants of Land therein, and to declare all other Titles except those allowed by the Crown null and void,' the Commissioners therein mentioned are directed to inquire into and set forth the price or valuable consideration, with the sterling value thereof, paid for the lands claimed to any of the chiefs or tribes or any aboriginal inhabitants or inhabitant of the said Colony of New Zealand, as well as the time and manner of the payment and the circumstances under which such payment was made, and also to inquire into and set forth the number of acres which such payment would have been equivalent to according to the rates fixed in a Schedule marked B to the said recited Ordinance annexed; and it is also by the said recited Ordinance provided that no grant of land shall be recommended by the said Commissioners which shall exceed in extent two thousand five hundred and sixty acres unless specially authorized thereto by the Governor, with the advice of the Executive Council: And whereas by an arrangement entered into between Her Majesty's Government and the New Zealand Company it was provided that an account should be taken of the sums of money invested by the said Company in the purchase of lands in New Zealand from the Native Chiefs and others, in the taking up chartering and despatching of ships for the conveyance of emigrants thither, in the maintenance of such emigrants before and during the outward voyage, in the purchase and transmission of stores for the public use of the settlers collectively on their arrival, in surveys, in the erection of buildings or the execution of other works dedicated exclusively to the public service of the settlement, and in other heads of expenditure or absolute liabilities unavoidably required or reasonably incurred for the before-mentioned purposes; and that when the amount of the said expenditure should have been ascertained, the said Company should be secured by a grant from the Crown to them, under the Public Seal of the Colony, of as many acres of land as should be equal to four times the number of pounds sterling which they should be found to have expended in the manner and for the purposes aforesaid: And whereas Her Majesty's Government have declared their intention to apply to all other persons the rule to which the New Zealand Company will be subject in respect of the quantity of land to be granted to them within the Colony:

BE IT THEREFORE DECLARED AND ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

1. The Schedule marked B to the said Ordinance annexed, and so much thereof as so restricts the grants of land to be recommended by the said Commissioners as aforesaid, and so much of the said Ordinance as is inconsistent with the said recited arrangement and this Ordinance, is hereby repealed. Repeal of part of Ordinance.

2. All lands within the Colony which have been validly sold by the aboriginal natives thereof are vested in Her Majesty, her heirs and successors, as part of the demesne lands of the Crown. Crown lands.

3. There shall be published from time to time in the Government Gazette of New Zealand, Proclamations describing all lands so validly sold, setting forth the situation boundaries and extent thereof, and such To be proclaimed.

Harbours.

such other particulars as may be necessary for identifying the same. Every such Proclamation shall be received in all Courts of Justice as conclusive evidence that the lands therein described are Crown lands as aforesaid.

Rule as to quantity
of land to be granted.

4. Whenever it shall be reported by any Commissioner or Commissioners of Land Claims that any person, whether he shall be a natural born subject or a citizen or subject of any foreign state, is entitled under the provisions of the said Ordinance to a grant of land in respect of his alleged purchase, such person shall, on the report being confirmed by His Excellency the Governor, be entitled to a grant from the Crown, out of the land validly sold to such person, of four times as many acres as he shall be found to have expended pounds sterling in manner and for the purposes hereinbefore mentioned: Provided always that when goods shall have been given to the Natives in barter for land, the value of the goods so given shall be estimated at three times their selling price in Sydney at the time.

Selection of land.

5. The land to be granted at the recommendation of the Commissioner may be selected by the person entitled to such grant out of the land claimed by him: Provided that the land so to be selected shall be in one block, to be as nearly as possible a rectangular figure the breadth of which shall not be more than half its length: Provided also that when the block so to be granted shall be bounded by the sea or a river, the rectangle aforesaid shall be so placed that the narrow side or breadth shall be bounded by the sea or any such river, and that the length of the rectangle shall run back from the sea or river as near as possible at right angles to their general direction.

Compensation &c.

6. When any land to which any claimant shall be found entitled shall be required for public purposes under the provisions of the said recited Ordinance, and shall have been built upon or otherwise improved in value, compensation shall be given in land or money to the owner of such buildings, such compensation to be fixed by the Commissioner assisted by two appraisers, one to be appointed by the Commissioner and the other by the claimant.

Compensation by
New Zealand
Company.

7. If any part of the land to be granted to the New Zealand Company under the provisions of the aforesaid arrangement shall have been validly sold by the aboriginal inhabitants to any claimant other than the New Zealand Company, compensation in other land shall be made to such claimant by the said Company according to such rate as to the Commissioners shall seem meet.

One Commissioner.

8. And be it lastly enacted, that all the powers of hearing examining and reporting on claims to land given by the said recited Ordinance to any two Commissioners may be exercised as fully and effectually by any single Commissioner whom His Excellency the Governor shall for that purpose appoint.