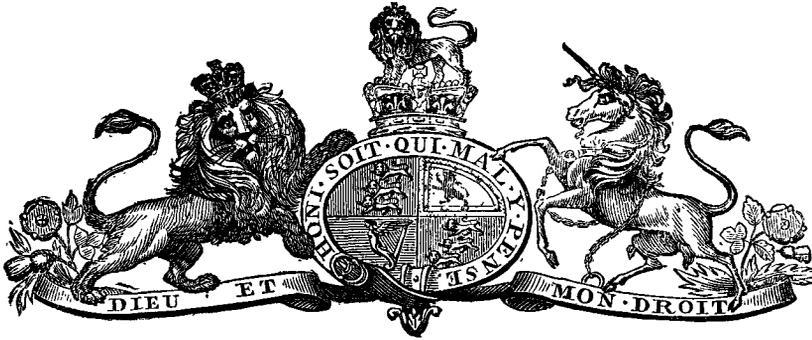


NEW ZEALAND.



TRICESIMO TERTIO ET TRICESIMO QUARTO

VICTORIÆ REGINÆ.

No. LXII.

ANALYSIS.

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AN ACT to confirm certain Sales of Land in the Township of Richmond in the Bay of Plenty District and to authorize the issue of Crown Grants of the sold and unsold portions of the said Township and of other Lands in the said District.

Title.

[12th September 1870.]

WHEREAS by an Order in Council bearing date the seventeenth day of January one thousand eight hundred and sixty-six a certain district designated as "The Bay of Plenty District" was constituted a district within the provisions of "The New Zealand Settlements Act 1863" and the lands within that district were reserved and taken for the purposes of settlement and declared to be subject to the provisions of the said Act from the day of the date of such Order

Preamble.

And whereas by another Order in Council bearing date the first day of September one thousand eight hundred and sixty-six the boundaries of the said district were altered and the district the boundaries whereof were described in the Schedule to the last-mentioned Order and in the Schedule to this Act was declared to be a district within the meaning of the said Act by the name of "The Bay of Plenty District" and the lands within the said district were reserved and taken for the purposes of settlement and declared to

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be required for the purposes of the said Act and to be subject to the provisions thereof from the day of the date of the said Order

And whereas a promise was made to certain men of the Arawa Tribe that the said district should be reserved and afterwards granted to them and other men of the said tribe by the Governor in pursuance of the powers vested in him under "The Confiscated Lands Act 1867" but such promise has never been completely carried into effect

And whereas in the year one thousand eight hundred and sixty-eight the persons to whom the said promise was made asked that the said district might be surveyed and subdivided into allotments in order that grants of the same to the individuals comprising the said tribe might more conveniently be made

And whereas in order to furnish funds for the execution of the necessary surveys it was arranged that a township should be laid out in the said district and sold in town allotments and that the proceeds of such sale should be applied in payment of the costs of surveying the said township and the rest of the said district and the expenses of such sale

And whereas in pursuance of the said arrangement John Alexander Wilson Esquire acting as Crown Agent did under instructions given to him by the then Minister for Native Affairs proceed to have a township surveyed and laid out and gave to it the name of Richmond and held a sale thereof in the month of October one thousand eight hundred and sixty-eight whereat one hundred and forty-eight town allotments were purchased by divers persons some of whom paid the whole of the purchase money bid for the same respectively and others of whom paid only a part of such purchase money

And whereas the said John Alexander Wilson actually received on account of the said purchases the sum of three hundred and eighty-nine pounds and the residue of the purchase money amounting to seventy-eight pounds ten shillings still remains unpaid

And whereas the said John Alexander Wilson paid out of the said sum of three hundred and eighty-nine pounds certain sums for the said surveys and expenses and there remained in his hands on the thirty-first day of October one thousand eight hundred and sixty-eight a sum of one hundred and sixty-three pounds two shillings and sixpence available for the expenses of survey and for payment of certain sums due to the said John Alexander Wilson for travelling allowance and passage money in respect of his journeys to effect the said sale

And whereas the said John Alexander Wilson after holding the said sale left a plan of the said township at the office of Henry Tacy Clark Esquire at Tauranga with directions to sell the residue of the said township to such persons as should apply to purchase the same on certain conditions and at certain prices stated in documents accompanying the said plan

And whereas all the said proceedings subsequent to the making of the Order in Council secondly hereinbefore recited were made and done without any sufficient authority of law and no Crown Grants of the said lands can in conformity with such sale be made

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

Short Title.

1. The Short Title of this Act shall be "The Richmond Land Sales Act 1870."

Commissioner may be appointed.

2. It shall be lawful for the Governor to appoint any person whom he may think fit to make the inquiries by this Act directed to

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be made and every such appointment from time to time to revoke and fresh appointments to make.

3. The person so appointed as aforesaid who is hereinafter called "the Commissioner" shall make all such inquiries as he may think necessary or expedient touching the said sales of the Township of Richmond and touching the other matters in this Act referred to and the said Commissioner shall have power to administer oaths to persons tendering evidence before him.

Commissioner to inquire.

4. The Commissioner shall from time to time report to the Governor the result of his inquiries and particularly he shall report the names and descriptions of the several persons who at the sale so held as aforesaid or by application at the office of the said Henry Tacy Clarke became the purchasers of any of the allotments in the said townships and the numbers and other descriptions of the respective allotments purchased by them respectively and where any persons shall appear to the Commissioner to have purchased merely as agents for others and not with intent to obtain for themselves any beneficial interest in the land purchased the Commissioner shall further report the names and descriptions of the persons for whose benefit the purchase was made and he shall also report in every case as to the price paid for the land purchased and as to the amount (if any) remaining unpaid and as to the date when the purchase was effected.

Commissioner to report to Governor.

5. The Governor may cause Crown Grants of the allotments purchased as aforesaid to be issued to the persons who shall appear to him to have become the purchasers thereof respectively but if it shall appear that any allotment was purchased by an agent or trustee for others the Governor may if he thinks fit cause the grant to be made to the persons for whose benefit the purchase was made or to the persons who actually purchased with words in the grant in the latter case to protect the equitable interest of the persons beneficially entitled.

Crown Grants may issue.

6. In every case where any part of the purchase money remains unpaid no grant shall be prepared or issued until the sum remaining unpaid shall have been paid to such person as the Governor shall appoint.

Where purchase money unpaid no grant to issue.

7. In every Crown Grant issued to any person claiming under a purchase of any of the said allotments there shall be inserted in the habendum of the grant the date when the purchase shall appear to the Governor to have been made and the date so inserted shall for the purposes of "The Crown Grants Act 1866" and "The Crown Grants Amendment Act 1867" be deemed to be the date on which the grantees became entitled to receive such Crown Grant.

Antevesting of legal estate.

8. And whereas it may happen that some of the persons who became purchasers as aforesaid and did not pay the whole of their purchase money may be insolvent or otherwise unable or unwilling to complete their respective purchases Be it enacted that in any case where any purchase money remains unpaid it shall be lawful for the Governor to cause a notice to be inserted in the *New Zealand Gazette* stating the number of the allotment the name of the purchaser and the amount of purchase money remaining unpaid and if any part of the said purchase money shall remain unpaid after the expiration of six months from the date of the *Gazette* containing such notice it shall be lawful for the Governor to deal with such allotment in the same manner as if no sale thereof had been made and such allotment shall be deemed to be and to have been on and after the day when the sale was made unsold land but nothing herein shall take away or affect the right of the Crown or of any other person to commence proceedings for the recovery of the purchase money remaining unpaid

If purchase money unpaid sale may be cancelled.

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at any time before the expiration of the said period of six months and to continue the same even after the expiration of such period.

Further sales may be made to raise money for surveys.

9. If any sum of money is in the opinion of the Governor required for the purpose of completing the survey and subdivision of the Bay of Plenty District regard being had to the amount applicable to that purpose already received from purchasers of allotments in the Township of Richmond and to the amount recoverable from such purchasers and also to the several payments of other expenses provided for by this Act And if it shall appear to the Governor that it would be expedient to raise further sums by the sale of other parts of the said township or district it shall be lawful for the Governor to cause such parts of the unsold land in the said township and district as he shall think fit to be sold under such conditions and at such prices as to him shall seem expedient and to issue Crown Grants to purchasers thereof.

Expenses to be paid out of money received on sales.

10. The moneys received by the said John Alexander Wilson and all other moneys paid and to be paid by any purchaser of land in the said township and district whether by application at the office of the said Henry Tacy Clarke or under any sale made by the Governor in pursuance of the power hereby given to him shall be deemed to have been from the day of the receipt thereof chargeable with the expenses of the survey and subdivision of the said township and district and of advertising and conducting the sales aforesaid and of the journeys of the said John Alexander Wilson and generally of carrying into effect the said recited arrangement and the purposes of this Act Provided always that the fees payable in respect of the several Crown Grants issued under this Act shall not be chargeable on the said moneys but shall be paid by the persons to whom such grants respectively shall be issued.

Money to be paid into Public Account.

11. The said John Alexander Wilson and every other person into whose hands any of the said moneys shall have come or shall come shall forthwith on receipt thereof or forthwith after the passing of this Act whichever shall first happen pay all such moneys into the Public Account and the same shall there be placed to the credit of the Public Trust Fund to an account to be called "The Bay of Plenty District Account" and the Colonial Treasurer shall from time to time pay out of the said moneys all such sums as shall be certified by the Minister for Native Affairs for the time being or the Minister for the time being acting for the Minister for Native Affairs to be payable thereout under this Act Provided always that if the said John Alexander Wilson shall have paid out of any of the said moneys received by him any sums which would have been payable out of the same if paid into the Public Account then the said John Alexander Wilson shall be allowed credit for such payments and be indemnified against the same and he shall not be required to pay into the Public Account any moneys so paid by him.

Governor may grant unsold land to Arawa Tribe.

12. When the survey and subdivision of all or any part of the said Bay of Plenty District shall have been completed it shall be lawful for the Governor from time to time to grant to any persons or communities being or composed of men of the Arawa Tribe to whom or for whose benefit the said recited promise was made and in such manner as may most effectually carry out the intention of the said promise the whole or such part as he shall think fit of the unsold land in the said township and district or by warrant under his hand to set apart such portion thereof respectively as he may think fit for the benefit of any such persons or communities as aforesaid and with respect to all lands granted to or reserved under this section the Governor shall have all the powers which under "The Confiscated

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Lands Act 1867" are vested in him with respect to confiscated lands granted or reserved by warrant.

13. If after the completion of the survey and subdivision by this Act provided for and after paying out of the moneys received and to be received on account of any sales of the land in the said township or district all the costs charges and expenses by this Act made payable thereout there shall remain any surplus it shall be lawful for the Governor to distribute such surplus in such manner as he shall think fit among the persons who in his opinion would have been entitled to the land sold in case the same had remained unsold and in such shares and in such manner as shall seem to him expedient.

Surplus money may be divided among Arawas.

SCHEDULE.

Schedule.

ALL that land bounded by a line commencing at the mouth of the Waitahanui River, Bay of Plenty, and running due south for a distance of twenty miles; thence to the summit of Mount Edgecombe (Putauaki); thence by a straight line in an easterly direction to a point eleven miles due south from the entrance to the Ohiwa Harbour; thence by a line running due east for twenty miles; thence by a line to the mouth of the Aparuparu River; and thence, following the coast line, to the point of commencement at Waitahanui.

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