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This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed as now printed, is transmitted to the HOUSE OF REPRESENTATIVES for its concurrence.

*Legislative Council,
19th July, 1892.*

Hon. Sir P. A. Buckley.

NEW ZEALAND COMPANY'S LAND CLAIMANTS.

ANALYSIS.

<p>Title. Preamble. 1. Short Title. 2. Interpretation. 3. Ordinance incorporated. 4. Commissioners appointed. 5. Classes of claims which shall not be heard. 6. Claims not finally disposed of on 30th June, 1894, to lapse. 7. Claims in respect whereof land-order not produced or survey made disallowed. 8. Upon proof of loss of land-order, Commissioner may recommend grant.</p>	<p>9. Transfers from original purchasers made previous to 31st December, 1862, recognised. 10. Surveys to be furnished. 11. Commissioner to report to Minister all claims declared lapsed. 12. When claim declared lapsed, right of claimant to be deemed forfeited. 13. On gazetting of lapsed claims, land to become demesne of the Crown. 14. Act to be publicly notified in <i>New Zealand Gazette</i>, and in the United Kingdom. 15. Repeal.</p>
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A BILL INTITULED

AN ACT to provide for the Final Settlement of the Rights of
 Holders of Land-orders issued by the New Zealand Company,
 and by the Plymouth Company of New Zealand, respectively.

5 WHEREAS, by virtue of contracts and engagements between the
 New Zealand Company and the Plymouth Company of New Zealand
 respectively, and also by virtue of certain Acts, ordinances, instruc-
 tions, and regulations, the original and derivative purchasers of land
 from the aforesaid corporations are, or claim to be, entitled to and
 10 possessed of land-orders empowering them to select certain specified
 quantities of Crown lands in New Zealand, subject to certain excep-
 tions :

And whereas in the year one thousand eight hundred and fifty-
 one an ordinance of the General Legislative Council of New Zealand
 15 was passed to ascertain and to provide for the completion of such
 contracts and engagements by the Government of the colony, whereby
 Commissioners were appointed to hear and to report upon all claims,
 original or derivative, which might be adduced before them within a
 certain limited time ; and many of these claims have been reported
 20 on and settled under the aforesaid ordinance, as the same was
 amended by "The New Zealand Company's Land Claimants Ordi-
 nance Amendment Act, 1861 : "

And whereas Crown grants in fulfilment of contracts and engage-
 ments as above recited have been made in the names of persons
 25 entitled thereto, but which persons have not made any claim for the
 issue of such grants, or produced the land-orders under which the
 land included in such grants was claimed ; and other persons claiming
 to be entitled to land as aforesaid have not proved their title thereto :

And whereas in the several Provinces of Taranaki, Wellington, Nelson, Marlborough, and Otago respectively various town, rural, and suburban sections of land have remained unclaimed for a period of upwards of thirty years, owing to the respective owners thereof or claimants thereto failing to adduce evidence in support of their claims, or to prosecute the same, or in some cases from neglect to furnish proper surveys of the land claimed : 5

And whereas in the interests of settlement it is not expedient that any such claims should be allowed to remain open for an indefinite period : 10

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 is "The New Zealand Company's Land Claimants Act, 1892." 15

Interpretation.

2. In this Act,—

"Claim" means a claim to land in New Zealand derived from or through contracts or engagements with the New Zealand Company, or the Plymouth Company of New Zealand : 20

"Claimant" means the person possessing such claim, and includes any person deriving from him :

"Commissioner" means a Commissioner appointed or holding office under this Act :

"The Commissioner" means any Commissioner as aforesaid acting within the land district wherein is situated the land the subject of any claim : 25

"The New Zealand Company's Land Claimants Ordinance, 1851" (hereinafter referred to as "the ordinance"), means the ordinance of the General Legislative Council of the Islands of New Zealand, passed in the eleventh session thereof, number fifteen, intituled "An Ordinance to ascertain the Contracts and Engagements entered into by the New Zealand Company for the Disposal of certain Lands in the Islands of New Zealand, and to provide for the Completion of such Contracts and Engagements by the Colonial Government." 30 35

Ordinance incorporated.

3. "The New Zealand Company's Land Claimants Ordinance, 1851," is hereby incorporated with this Act.

Commissioners appointed.

4. Every Commissioner appointed under "The New Zealand Company's Land Claimants Ordinance, 1851," shall be a Commissioner under this Act without further appointment; and such other persons as the Governor may from time to time appoint shall be respectively Commissioners under the last-mentioned ordinance and under this Act. 40 45

Note.

APPROXIMATE ESTIMATE OF NUMBER OF SECTIONS YET REMAINING UNCLAIMED.

District.	Town.	Suburban.	Rural.	Total.
Taranaki	325	56	73	454
Wellington	13	9	..	22
Nelson	4	1	4	9
Marlborough	42	3	2	47
Otago	1	3	4
Total	384	70	82	536

5. It shall not be lawful for any Commissioner to entertain or investigate any claim—

Classes of claims which shall not be heard.

5 (1.) In which the claim shall have been heard and allowed, wholly or in part, and in respect of which the claimant shall have accepted in satisfaction of such claim compensation in money, or scrip, or a grant of land ;

(2.) In which the claim shall have been heard before the passing of this Act by a Commissioner and reported on or disallowed.

6. Every claim, capable of being prosecuted under the aforesaid ordinance, which shall not be prosecuted to final hearing and reported on or disallowed by the Commissioner before the thirtieth day of June, in the year one thousand eight hundred and ninety-four, by any claimant whether or not usually resident within the colony, unless such time be extended by the Supreme Court in an appeal under section eight of the aforesaid ordinance, shall be deemed to have lapsed.

Claims not finally disposed of on 30th June, 1894, to lapse.

7. Every claim which has been heard and determined by a Commissioner but in respect whereof a land-order is required to be delivered up, or a survey is required to be made by or on behalf of any claimant previous to the issue of a grant, shall be disallowed by the Commissioner if such land-order is not delivered up or such survey is not made and a correct plan of land delivered to the Commissioner before the hereinbefore last-mentioned date, whether or not such claimant be usually resident or non-resident in the colony.

Claims in respect whereof land-order not produced or survey made disallowed.

8. Any Commissioner, upon being satisfied, by such evidence as he shall think sufficient, that any original or supplementary land-order issued by the New Zealand Company or by the Plymouth Company has been lost or accidentally destroyed, and that the party claiming land by virtue of such order would be entitled to a Crown grant of the land if such land-order were in existence, may make a report to the Governor that such party is entitled to receive a Crown grant of such land ; and the Governor may, upon such report, issue a Crown grant in favour of the person so reported to be entitled to the same.

Upon proof of loss of land-order, Commissioner may recommend grant.

9. The Commissioner, before or at the time of making any such report to the Governor as in this section mentioned, shall require security, in such form and to such extent as he may think right, to be given by the party applying for the land for saving and protecting the rights and interests of other parties having claims on such land.

Such security shall be taken to and in the name of such person or persons as shall be appointed in that behalf by the Governor ; and such person or persons shall enforce such security for the benefit of the parties whose rights and interests may be so saved as aforesaid.

10. Notwithstanding anything contained in section two of " The New Zealand Company's Land Claimants Ordinance Amendment Act, 1861," any person shall be entitled to have a Crown grant issued to him or in his favour under the provisions of " The New Zealand Company's Land Claimants Ordinance, 1851," whose title shall be derived under or through a conveyance or transfer executed at any time subsequently to the thirty-first day of December, one thousand eight hundred and sixty-one, but not subsequently to the thirty-first day of December, one thousand eight hundred and sixty-two.

Transfers from original purchasers made previous to 31st December, 1862, recognised.

Surveys to be
furnished.

10. Every Commissioner deciding upon a claim may require a correct plan of the land described in such claim to be furnished to him, on or before some specified day, and in default thereof the Commissioner may declare such claim to have lapsed.

Commissioner to
report to Minister
all claims declared
lapsed.

11. Every Commissioner, as soon as may be after the expiration 5
of the time limited by this Act for the final hearing of claims, shall declare every claim lapsed—

- (1.) Which has not been finally disposed of by approval or disallowance, or
 - (2.) In respect whereof the land-order has not been delivered, or 10
 - (3.) In respect whereof any required survey has not been furnished, or
 - (4.) In respect whereof any Crown grant issued under the authority of section four of the ordinance in favour of a presumed claimant is not claimed and taken up by him ; 15
- and shall transmit to the Minister of Lands a list of all such claims, together with a description of the land comprised in the several said claims.

When claim
declared lapsed,
right of claimant to
be deemed forfeited.

12. Every claim when declared lapsed by a Commissioner shall be deemed to be abandoned, and the claimant or claimants shall have 20
no further right, title, or interest in respect of such claim, or in respect of any land the subject of such claim.

On gazetting of
lapsed claims, land
to become demesne
of the Crown.

13. On the publication of the aforesaid lists in the *Gazette*, the land comprised in the several claims shall be deemed to be demesne lands of the Crown discharged and free from all contracts or engagements whatever, and thereafter may be dealt with, or reserves made of any portions thereof, in every respect as Crown lands ; and every Crown grant made, or certificate of title under "The Land Transfer Act, 1885," of any such lands at any time before the passing of this Act and not claimed and delivered to the person entitled thereto 30
shall forthwith be cancelled.

Act to be publicly
notified in *New
Zealand Gazette*,
and in the
United Kingdom.

14. For the purpose of giving due publicity to this Act, and to all claimants affected by the same, a notification of the provisions of this Act relating to the time limited for claimants to prosecute their claims to final hearing, and the delivery of land-orders, or the 35
furnishing of surveys, together with the names of the original claimants, their occupation and residence, when possible, and the number of their respective claims or land-orders, if known, shall be published in not less than two consecutive numbers of the *New Zealand Gazette*, and once in one or more newspapers published in the several cities of 40
London, Edinburgh, Glasgow, and Dublin, in the United Kingdom, as the Minister of Lands shall appoint.

Repeal.

15. On the thirty-first day of December, in the year one thousand eight hundred and ninety-six, this Act shall expire and be repealed ; 45
and on the same day the Ordinance of the Legislative Council of New Zealand and the several Acts of the General Assembly thereof, hereunder enumerated, shall also be repealed :—

1851, Session XI., No. 15.—The New Zealand Company's Land Claimants Ordinance, 1851.

1861, No. 10.—The New Zealand Company's Land Claimants Ordinance Amendment Act, 1861. 50

1858, No. 77.—The Land Orders and Scrip Act, 1858.

1866, No. 26.—The Land Orders and Scrip Act (Taranaki), 1866.

1872, No. 48.—The Taranaki New Zealand Company's Land Claims Act, 1872.