



PRE-EMPTIVE LAND CLAIMS BILL.

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A BILL for appointing a Commissioner to examine certain Claims to Grants of Land in the Colony of New Zealand and to make awards thereon. *Title.*

WHEREAS by Proclamation bearing date the 20th of March 1844 and also by a Proclamation bearing date the 10th day of October 1844 it was proclaimed and declared that the Queen's Right of Pre-emption would be waived over portions of land in New Zealand under certain terms and conditions in the said Proclamations set forth. And whereas purchases have been made from persons of the native race of lands over which the Queen's Right of Pre-emption hath been waived. And whereas it was further proclaimed that no grant would be issued to any other than the original claimant or his representative whose claims had been or might be investigated by a Commissioner and recommended by him to the Governor for a grant from the Crown. And whereas a Commissioner was appointed in the year 1847 for the purpose of such investigation who did so report upon various claims referred to him. And whereas some claimants have received Crown grants or compensation in lieu thereof to the full extent of the Commissioner's report and recommendation but Crown grants have been made to others not to the full extent of such Report or recommendation. And whereas there are outstanding claims which have not been examined by a Commissioner but which ought to be examined: Be it therefore enacted as follows: *Preamble.*

1. His Excellency the Governor by warrant under his hand shall within three calendar months from the passing of this Act appoint a fit person to act as a Commissioner for examining and mak- *Governor to appoint a Commissioner.*

ing awards upon land claims which shall be preferred in accordance with the provisions hereinafter contained who shall hold office during good behaviour or until exhaustion of the Commission Provided always that in case of death absence resignation or deprivation of the Commissioner the Government shall have power to appoint and shall immediately appoint another in its stead.

Commissioner to take oath of office.

2. The Commissioner shall upon his appointment take an oath binding him well and faithfully to discharge the trust in him reposed which oath any Justice of the Peace is hereby authorized to administer.

Time for preferring claims

3. Every person who shall desire to take advantage of the provisions of this Act shall prefer his claim to the Commissioner within *fifteen calendar months* from the passing hereof failing which no claim shall be entertained by the Commissioner.

Proceeding of former Commissioner to be transferred

4. The proceedings and reports of the former Commissioner shall be transferred to the Commissioner who shall have been appointed under this Act.

Commissioner to examine claims.

5. The Commissioner shall proceed with all convenient speed and in open court to examine and make award upon all claims preferred to him provided always that the said Commissioner shall not examine any claim that shall have been already reported on by a former Commissioner.

Notice of hearing.

6. The Commissioner shall notify in the New Zealand Government Gazette the day appointed by him for enquiring into any claim and such notification shall be a sufficient warning to the parties interested therein.

Mode of proceeding.

7. In the examining and making awards on any such claims the said Commissioner shall be guided by the real justice and good conscience of the case and shall direct himself by the best evidence which shall be laid before him or which he shall be able to procure.

Commissioner to make awards.

8. As soon as conveniently may be after examining any such claim the said Commissioner shall make an award thereon in writing setting forth the name of the Claimant the situation and extent of the land claimed the evidence adduced in reference to the claim and should he find that the land so claimed has been duly purchased shall recommend that a Crown Grant after the production of a proper survey by the Claimant be made and issued accordingly provided always that the said Commissioner shall not have power in any case to award or recommend a Grant for any number of acres in excess of the number specified in the certificate by which the Crown's right of pre-emption was waived provided further that when a portion only of a claim shall be awarded the Claimant shall select the portion but in such manner as not unfairly to impair the value of the unselected portion of the land: and should any difference of opinion arise as to the fairness or unfairness of such selection the matter shall be referred to two arbitrators the one to be appointed by the Governor and the other by the claimant who shall agree before proceeding to arbitrate in the nomination of an umpire who shall be hereby empowered in case of disagreement of the arbitrators to decide thereon.

9. The Commissioner under this Act shall adopt as his own the reports made on any such Pre-emption claims by the former Commissioner: that is to say in those cases where Crown grants have not been already issued in accordance with the terms of those reports and shall recommend that grants or supplementary grants be made and issued in such manner as will carry out the terms of such reports.

Reports of former Commissioner to be adopted.

10. The Commissioner shall in such case present his award and recommendation to the Governor and shall upon application of the claimant furnish the claimant with a certified copy of the grounds on which the award was made on payment of the sum of _____ per folio.

Awards to be presented to the Governor.

11. Should the land to which the claimant shall have been found entitled have been already alienated by the Crown or be required for public purposes the claimant shall be compensated by a land credit on the Treasury representing the sum that shall have been received by the Government for the land in question should it have been disposed of by sale and where the land shall not have been so disposed of the compensation shall be made by a land credit on the Treasury representing the market value of the land to be estimated by the Commissioner at the date of his award.

Claimant in certain cases to receive compensation.

12. Upon receipt of such land credit all right title and interest of the claimant or his assigns to the land in respect of which credit shall have been issued, shall be deemed to be extinguished and the land itself, together with so much of the land purchased by any claimant or representative of a claimant who shall have preferred a claim under this Act and for which the Commissioner shall recommend that no grant be made shall be deemed and taken to be part of the demesne lands of the Crown.

And interest in the land to revert to the Crown.

13. In order to defray the expences of carry- in out this Act every person taking the benefit of the provisions thereof shall for every Pre-emption claim under the same pay to the Commissioner the sum of £5 and upon the issue of the Crown grant or receipt of credit on the Treasury as aforesaid following upon the award of said Commissioner or under this Act a further sum of *two shillings* shall be paid upon every acre or part of an acre so awarded.

Fees to be paid by claimant.

14. Every claim adjudicated upon under this Act shall be held by such adjudication to be finally settled and the claimant shall not be entitled to re-open the same. And having submitted his claim to the Commissioner the claimant shall be afterwards precluded from withdrawing it from the cognizance and adjudication of the Commissioner who is hereby authorized to take the best evidence in his power and proceed to adjudication in like manner as if the claimant had prosecuted his claim to a decision.

Commissioner's award to be final.