



Canterbury Association Lands Settlement Act (Imperial) 1850

1850

- Citation:** 13 & 14 Vict. cap. 70
Date of Assent: 14 August, 1850
Commencement: Date of Assent
- Repeal:** Repealed 15 & 16 Vict. cap. 72
Amendments: 14 & 15 Vict. cap. 84 (Imperial):
s8: Power of Association to reserve and appropriate land for public purposes.
s9: Power to grant timber licences.
s10: Power to prepare for occupation any unappropriated land of the settlement.
Sess IV, No 6 (Canterbury Provincial Ordinance).
- Type of Legislation:** Imperial
Subject: Status of Land
Waste Lands
Forestry
- Relevant Sections:** *s1:* Agreement of 1 December, 1849 between New Zealand Company and Canterbury Association; ch.13 of 1846 Instructions (see separate record) concerning the disposal of waste lands of the Crown not to apply to lands described in Schedule.
s2: Power of Association absolutely to dispose of lands in Schedule for 10 years subject to certain conditions.
s11: Reserving rights of first colonists.
s12: On expiration of term, unsold lands to revert to Her Majesty.
- Commentary:** This Imperial Act and its Amendment vested land on the Banks Peninsula in the Canterbury Association before the land had been lawfully acquired from Ngai Tahu.
The Waitangi Tribunal said (Ngai Tahu Report) "The amendment allowed the company to engage in development works, including drainage, within the Canterbury settlement. The British Parliament assumed that Maori title had been extinguished and did not act in bad faith. However, local Crown officials had failed to ensure that the provisions of Kemp's agreement were fully and faithfully implemented. Had this been done, then Ngai Tahu lands and mahinga kai would not have been vested in the company. The passing of this legislation aggravated pre-existing breaches on the Treaty."
- Cross Reference:** Waitangi Tribunal *The Ngai Tahu Report* Wai 27
(Brooker & Friend, Wellington, 1991) 79, 98, 505, 564 - 566, 580 - 581.