



## New Zealand Settlements Amendment and Continuance Act 1865

- Citation:** 29 V. No 66
- Date of Assent:** 30 October, 1865
- Commencement:** Date of Assent
- Repeal:** Repealed 29 October, 1878 by 1878, No 28
- Amendments:** 1866, No 31: See separate record.  
s2 amends s16  
s3 amends s10.
- Type of Legislation:** Public
- Subject:** Confiscated Lands  
Military Settlement  
Validation
- Relevant Sections:**
- s2: New Zealand Settlements Act 1863 made perpetual but the power of the Governor to proclaim districts and to take land for settlement shall not be exercised after 3 December, 1867.
  - s3: Governor in Council to have power to make regulations for proceedings of Compensation Court.
  - s4: Regulations to be published in the *Gazette*.
  - s5: Claims for compensation to include names of claimants, particulars of the land, and the amount claimed as compensation.
  - s6: Crown may abandon the right to take land in respect of which compensation is claimed.
  - s7: Compensation Court declared always to have had the power, since the passing of the New Zealand Settlements Act 1863, to determine whether any claimants have committed offences under s5 of the New Zealand Settlements Act 1863.
  - s9: Parties may agree that compensation shall be in land.
  - s10: Crown may elect to give land in compensation.
  - s11: Amends s7 New Zealand Settlements Act 1863, period for preferring claims for compensation shall be between 3 and 6 months, with the Compensation Court to decide in each case.
  - s12: Form of Order.
  - s13: Payment or transfer not to be required until 3 months after the judgment.
  - s14: Repeals and replaces sections 14 and 15 New Zealand Settlements Act 1863, payment of compensation money may be from general revenue, or land may be granted in accordance with the provisions of this Act.

*Relevant Sections, Commentary and Cross Reference continued next page*



## New Zealand Settlements Amendment and Continuance Act 1865 *continued*

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**s15:** Payment of compensation in money, or transfer of land to specifically named persons shall discharge the Crown of all compensation claims. Governor may direct that money or land compensation be invested in trust.

**s16:** Repeals and replaces sections 17 and 18 New Zealand Settlements Act 1863, Governor to have power of laying out land for sale, provided that no land shall be sold for less than 10 shillings an acre.

**s17:** Governor may grant land subject to conditions of grantee performing Military or Police services.

**s18:** Repeals and replaces section 19 New Zealand Settlements Act 1863, proceeds of sale of land to be paid into general revenue to be applied as directed by an Act of Parliament.

**Commentary:** Section 2 was necessary because the New Zealand Settlements Amendment Act 1864 had limited the time for the operation of the New Zealand Settlements Act 1863. It was explained in the Debates that the Imperial Government's desire had only been to limit the period for declaring lands to be confiscated (now limited to 3 December, 1867) while it was necessary that the rest of the 1863 Act's provisions should be perpetual. Another change made by this Act is that compensation may now be in the form of a grant of land instead of a money payment.

**Cross References:** NZPD (1864 - 1866) 263 - 264

AJHR (1866) A - 13  
(*Compensation Court at New Plymouth*)

Reported Court Cases:

*Hihina v. Kells* (1879): O.B. & F. (S.C.) 156

*Teira Te Paea v. Roera Tareha* (1896): 15 N.Z.L.R. 91

*In re Muir's Lease* (1901): 20 N.Z.L.R. 185

*In re Putataka No. 1 C* (1903): 22 N.Z.L.R. 866

*In re Hone Tutere* (1920): [1920] N.Z.L.R. 733, [1920] G.L.R. 473

*Rangimoeke v. Strachan* (1895): (s.15) 14 N.Z.L.R. 477.