

## No. LXXVI.

AN ACT to make further provision for the Settlement of  
Land Claims. [19th August, 1858.]LAND CLAIMS  
SETTLEMENT  
EXTENSION.[Reserved for the signification of Her Majesty's pleasure. Assented to, *Gazette*, May 31, 1859.]

WHEREAS it is expedient to make further provision for the settlement of claims to land within the Colony of New Zealand arising out of dealings with the aboriginal inhabitants thereof:

Preamble.

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

1. The term "Act of 1856" herein used shall mean "*The Land Claims Settlement Act, 1856.*" The term "Commissioners" shall mean any Commissioner appointed under that Act; and every such Commissioner shall be deemed to have the powers hereby vested in the Commissioners. The provisions of this Act shall be of force, anything in the "Act of 1856," or the rules thereunder established, to the contrary notwithstanding.

Interpretation clause.

2. The period limited for initiating proceedings by the Attorney-General respecting voidable grants, and for filing notifications of claims, is hereby extended from first July, one thousand eight hundred and fifty-eight, to first July, one thousand eight hundred and fifty-nine.

Time extended for  
filing notifications  
and calling in grants.

3. If upon the examination of any claim or grant it shall appear to the Commissioners that difficulties exist in the way of the claimant obtaining quiet possession of land to which he may be really entitled and which would otherwise have been granted, or if from delay in the settlement of the claim or from any act of the Government the value of the land may have been materially reduced, or if for other reasons it shall appear expedient to exchange the particular land claimed for other land, the Commissioners in their discretion may direct a grant of rural land within the same Province, of equal value, as compensation for the land taken in exchange, or may grant compensation to such an amount as they may deem to be just by the issue of a certificate entitling the person in whose favour the same shall be issued, or his assigns, to purchase waste lands of the Crown within the Province in which the land taken in exchange is situate, according to the law for the time being in force for the sale of such lands: Provided always that the right conferred by every certificate shall be exercised within twelve months from the date thereof, and after the expiration of that time such certificate shall cease to be of any value or effect whatever.

Lands in a claim may  
be exchanged.

4. It shall be lawful for any claimant holding or claiming title under a grant examined by the Commissioners, to surrender the land comprised in such grant to Her Majesty by an indorsement on the grant in the form or to the effect of the Schedule to this Act, and thereupon the Commissioners may cancel such grant and deal with the case in like manner as is provided in cases of grants called in and adjudged void.

Grants may be  
surrendered by a  
claimant.

5. In the case of any grant called in by the Attorney-General, which shall on examination before the Commissioners not appear to be actually void or voidable but in which there shall be any uncertainty inaccuracy or insufficiency of description, or in which the description shall not agree with the survey, or in which the indorsement authorized by the "*Ordinance for quieting Titles in New Ulster,*" Session X.,

Grants not actually  
void but insufficiently  
described may be  
cancelled.

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No. 4, shall have been erroneously or insufficiently made, or in which from any other reason the grant may appear to be of doubtful validity, the Commissioners may cancel the grant and direct the issue of a new grant in like manner as last aforesaid.

If grants called in not produced, new grants may be issued notwithstanding.

6. In the case of any grant adjudged void by the Commissioners, which shall not within three months after the publication of such adjudication in the *Government Gazette* be delivered up to be cancelled pursuant to law, the Commissioners may, without application from or notice to the person in whose name such grant was originally issued, direct a new grant to be issued either to him or to any person duly deriving title from him: Provided that if such new grant be in the name of the original grantee, it shall only be delivered to him on surrender or proof of loss of the grant adjudged void.

Commissioners' non-attendance to examine grants not to vitiate Attorney-General's notice.

7. If the Commissioners shall have been or be unable to attend at the time and place specified in any notice of the Attorney-General calling in grants for examination, such non-attendance shall not vitiate the Attorney-General's notice, and it shall be sufficient for the Commissioners, by notice in the *Government Gazette*, to appoint some other time or place for the production and examination of the grants, and they may proceed thereupon as if they had attended at the time and place named by the Attorney-General.

Native reserves within exterior boundaries of a claim may be granted.

8. Where a reserve has been originally made by the Natives for their own occupation within the exterior boundary of any claim or grant, and they may be willing to give it up to the claimant or grantee, the Governor may, if he think fit, take a cession to the Queen of such reserve, and the Commissioners may thereupon direct a grant thereof to such claimant or grantee on payment for the same at the price of ten shillings per acre.

Claimants may purchase surplus land within their boundaries.

9. Whenever the exterior boundaries of the land comprised in any claim or grant examined by the Commissioners shall contain a larger quantity than can be granted under the "Act of 1856," it shall be lawful for the Governor, if he shall think fit, on the recommendation of the Commissioners, to grant to the claimant a pre-emptive right of purchasing the residue or any part thereof at the price of ten shillings per acre, whereupon the Commissioners may direct a grant of such residue or part to be issued: Provided always that if the Commissioners shall be satisfied the land is of such inferior character as not to be worth ten shillings per acre, they may recommend the Governor to reduce the price thereof to any sum not less than five shillings per acre, and the Governor may, if he think fit, reduce it accordingly: Provided also that such pre-emptive right shall be exercised within six months after the same shall have been granted.

Purchase moneys to go to land fund of Province where claim situate.

10. All purchase moneys paid under the preceding provisions shall be carried to the credit of the land revenue of the Province within which the land is situate. All moneys paid under the "Act of 1856" in cases of pre-emptive claims shall be carried to the common fund for defraying the charges of carrying the said Act and this Act into effect.

Where particular land claimed was originally awarded without naming quantity, grant of such land may be made.

11. In case of any claim or grant examined by the Commissioners, if the original award under the "*The Land Claims Ordinances*," Session I. No. 2 and Session III. No. 3 of the Legislative Council of New Zealand, shall have been made for the particular piece of land claimed without specifying a definite number of acres, the Commissioners may direct a grant to be issued for such piece of land: Provided that the quantity to be granted (exclusive of the additional sixth and the allowance for surveys and fees authorized by the "Act of 1856") shall not exceed the number of acres to which the claimant

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claimant would have been entitled according to the scale in the Schedule C to the said Act.

12. Wherever possession has been or shall hereafter be taken on behalf of Her Majesty of any land the Native title to which shall be proved to have been extinguished prior to the fourteenth January, one thousand eight hundred and forty, but in respect whereof no claim can be heard under the "Act of 1865," it shall be lawful for the Commissioners, in their discretion, to estimate the actual outlay of the original claimant in extinguishing the Native title, and thereupon to direct a grant to be issued to him in respect of such outlay at the rate of one acre of rural land for every five shillings of such outlay.

When possession of a claim taken by Government, outlay in extinguishing Native title may be allowed.

13. In any case where land has heretofore been set apart by Natives for the maintenance of persons of the Half-caste race, it shall be lawful for the Governor at his discretion, on the recommendation of the Commissioners, to grant such land or any part thereof either to such persons or to Trustees for their benefit, and under such regulations and limitations as to him shall seem fit: Provided always that in any case where land which would otherwise have been granted may have been alienated by the Government, it shall be lawful for the Governor at his discretion, on the recommendation of the Commissioners, to grant other land in lieu thereof equivalent in value (to be determined by the Commissioners) to the land alienated at the time the same was taken by the Government.

Grants may be made to Half-caste children.

14. Whenever the fees required by the "Act of 1856" shall be found to bear an unreasonable proportion to the value of any claim, or whenever under special circumstances it shall appear just that any remission thereof be made, the Governor may, on the recommendation of the Commissioners, make such remission as to him shall seem fit.

Fees in certain cases may be remitted.

15. And whereas it has been found that there are exceptional cases in which the provisions of the "Act of 1856," relating to the class under which such cases would come, cannot in justice be strictly applied, or in which claimants excluded by the said Act have remained for many years and are now in actual possession or occupation of the land comprised in their claims, or in which the claims were disallowed for want of evidence which has been since supplied: It shall be lawful for the Commissioners, in their discretion, to deal with such cases in like manner as is provided for by the fiftieth section of the said Act in respect of special claims, and to make such orders and adjudications as shall in their judgment be most agreeable to justice and good conscience, but always as nearly as may be in accordance with the general provisions of the said Act.

Proceedings in exceptional cases.

16. Provided always that it shall not be lawful under this Act to deal with any case in which the claim shall have been heard and allowed wholly or in part, and in respect of which the claimant shall have received in satisfaction of such claim the compensation in money or debentures or a grant of land offered by the Government.

No claim to be heard under this Act where compensation has been received in satisfaction thereof.

17. Every grant of land made or purporting to be made in pursuance of this Act shall be deemed and taken to be a good valid and effectual conveyance of the land thereby intended to be granted, against Her Majesty, her heirs and successors, and all other persons whatsoever: Provided always that every such grant shall be subject in equity to the same claims rights and interests as any cancelled grant in lieu whereof any grant made under this Act shall issue.

Grants under this Act to be valid.

18. This Act shall not come into operation until Her Majesty's pleasure shall have been taken thereon, and the same shall have been confirmed by Her Majesty, with the advice of her Privy Council, and a Proclamation

Commencement of Act.

*Land Orders and Scrip.*

a Proclamation of such confirmation having been given shall have been made by the Governor or person administering the Government of New Zealand.

Short Title.

19. The Short Title of this Act shall be "*The Land Claims Settlement Extension Act, 1858.*"

## SCHEDULE.

## SURRENDER OF GRANT.

PURSUANT to "*The Land Claims Settlement Extension Act, 1858,*" I, A.B., of , being the person duly claiming title under the within grant, do hereby surrender the land comprised in the said grant to Her Majesty Queen Victoria.

Dated the day of , one thousand eight hundred and A.B.

Witness, C.D.

## No. LXXVII.

LAND ORDERS  
AND SCRIP.

AN ACT to amend the Law defining and settling the Rights of Holders of Land Orders and Land Scrip.

[21st August, 1858.]

[Reserved for the signification of Her Majesty's pleasure. Assented to, *Gazette*, July, 25, 1859.]

Preamble.

WHEREAS by an Act passed by the General Assembly of New Zealand, intituled "*The Land Orders and Scrip Act, 1856,*" provision was made for defining and settling the rights of holders of land orders and land scrip, and it is expedient that the said Act should be repealed and the provisions thereof re-enacted with certain amendments:

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

Act of 1856 repealed.

1. The said Act, intituled "*The Land Orders and Scrip Act, 1856,*" is hereby repealed: Provided always that everything already done in pursuance of the said Act shall be as valid and effectual as though this Act had not been passed.

Land orders may be exercised on land.

2. Notwithstanding the provisions of any Act Ordinance Regulation or Proclamation to the contrary, all land orders issued by the New Zealand Company, which have not been exercised or commuted, entitling the holders or owners thereof to select a definite quantity of land within any of the said Company's settlements except New Plymouth, may hereafter be exercised and used in the selection of the same quantity of land as is specified in such land orders out of the waste lands of the Crown over which the Native title shall have been extinguished at the date of the passing of "*The Land Orders and Scrip Act, 1856,*" situate within the Province in which such settlement lies, but not elsewhere, subject to the ordinary regulations for the time being in force as regards shape frontage and other particulars of selection, and subject to the exceptions and reservations hereinafter contained; and all such selections shall be made, according to priority of application, at the land office of the district wherein the same are to be made.

Commutation of land orders for Government scrip declared valid.

3. The commutation of New Zealand Company's land orders and scrip for Government scrip made in accordance with the provisions of "*The New Zealand Company's Land Claimants' Ordinance,*" shall in all