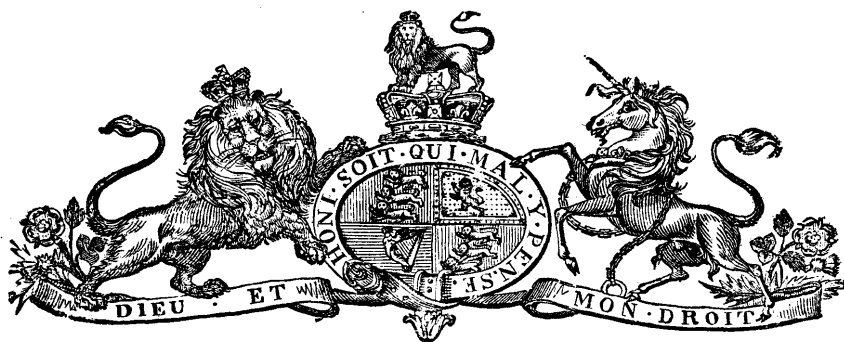


NEW ZEALAND.



ANNO VICESIMO PRIMO ET VICESIMO SECUNDO

VICTORIÆ REGINÆ.

No. 76.

ANALYSIS :

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| <p>Title.<br/>Preamble.</p> <ol style="list-style-type: none"><li>1. Interpretation clause.</li><li>2. Time extended for filing notifications and calling in grants.</li><li>3. Lands in a claim may be exchanged.</li><li>4. Grants may be surrendered by a claimant.</li><li>5. Grants not actually void, but insufficiently described, may be cancelled.</li><li>6. If grants called in not produced, new grants may be issued notwithstanding.</li><li>7. Commissioners' non-attendance to examine grants not to vitiate Attorney-General's notice.</li><li>8. Native Reserves within exterior boundaries of a claim may be granted.</li><li>9. Claimants may purchase surplus land within their boundaries.</li></ol> | <ol style="list-style-type: none"><li>10. Purchase moneys to go to Land Fund of Province where claim situate.</li><li>11. Where particular land claimed was originally awarded without naming quantity, grant of such land may be made.</li><li>12. When possession of a claim taken by Government, outlay in acquiring Native title may be allowed.</li><li>13. Grants may be made to half-caste children.</li><li>14. Fees in certain cases may be remitted.</li><li>15. Proceedings in exceptional cases.</li><li>16. No claim to be heard under this Act, where compensation has been received in satisfaction thereof.</li><li>17. Grants under this Act to be valid.</li><li>18. Commencement of Act.</li><li>19. Short Title.<br/>Schedule.</li></ol> |
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**AN ACT to make further provision for the Settlement of Land Claims.** Title.

*[Reserved for the signification of Her Majesty's pleasure thereon, 19th August, 1858.]*

**W**HEREAS 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 :—

*Land Claims Settlement Extension.*

Interpretation clause.

I. 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.

Time extended for filing Notifications and calling in Grants.

II. The period limited for initiating proceedings by the Attorney-General respecting voidable Grants, and for filing Notifications of Claims, is hereby extended from 1st July, 1858, to 1st July, 1859.

Lands in a Claim may be exchanged.

III. 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 (12) months from the date thereof; and after the expiration of that time, such Certificate shall cease to be of any value or effect whatever.

Grants may be surrendered by a Claimant.

IV. 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 Endorsement 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 not actually void, but insufficiently described, may be cancelled.

V. 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 Endorsement authorised by the Ordinance for Quieting Titles in New Ulster, Session X, 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.

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VI. 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.

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

VII. 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.

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

VIII. 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.

Native Reserves within exterior boundaries of a Claim may be granted.

IX. 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.

Claimants may purchase surplus land within their boundaries.

X. All Purchase Monies 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 Monies 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.

Purchase Monies to go to Land Fund of Province where claim situate.

*Land Claims Settlement Extension.*

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

XI. In case of any Claim or Grant examined by the Commissioners, if the Original Award under the Land Claims Ordinances Session 1 No. 2 and Session 3 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 authorised by the Act of 1856,) shall not exceed the number of acres to which the Claimant would have been entitled according to the scale in the Schedule C to the said Act.

When possession of a Claim taken by Government, outlay in acquiring Native Title may be allowed.

XII. 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 14th January 1840, but in respect whereof no Claim can be heard under the Act of 1856, 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.

Grants may be made to half-caste children.

XIII. 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.

Fees in certain cases may be remitted.

XIV. 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.

Proceedings in exceptional cases.

XV. 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

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manner as is provided for by the 50th 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.

XVI. 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.

XVII. 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.

XVIII. 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 of such Confirmation having been given, shall have been made by the Governor or person administering the Government of New Zealand.

Commencement of Act.

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

Short Title.

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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 \_\_\_\_\_ 18 \_\_\_\_\_

A. B.

Witness C.D.