

NEW ZEALAND.



ANNO VICESIMO PRIMO ET VICESIMO SECUNDO

VICTORIÆ REGINÆ.

No. 79.

ANALYSIS:

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| <p>Title.<br/>Preamble.</p> <ol style="list-style-type: none"><li>1. Governor may set apart a site for a Settlement in the Bay of Islands.</li><li>2. Land specified in Schedule may be reserved or taken by Governor.</li><li>3. Compensation to be given for land reserved.</li><li>4. Colonial Treasurer to issue certificate for amount of compensation.</li><li>5. Crown Lands, &amp;c., within Settlement, to be disposed of under provisions of this Act.</li></ol> | <ol style="list-style-type: none"><li>6. Governor to cause a Town, &amp;c., to be laid out.</li><li>7. Land to be disposed of as Governor shall prescribe.</li><li>8. Proceeds to be expended in Settlement, for purposes specified.</li><li>9. Commencement of Act.</li><li>10. Short Title.<br/>Schedule.</li></ol> |
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**AN ACT to enable the Governor to establish a Settlement for colonization in the Bay of Islands.** Title.

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

**WHEREAS** the formation of a Special Settlement on the Western side of the Bay of Islands for Colonization by Her Majesty's Subjects, without distinction of race, would tend to advance the prosperity and welfare of the inhabitants generally, and especially to promote the civilisation of the Aborigines in the Northern districts of the Colony, and it is therefore expedient that the Governor should be empowered to take the necessary steps for the formation of such a Settlement, Preamble

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

*Bay of Islands Settlement.*

Governor may set apart a Site for a Settlement in the Bay of Islands.

I. It shall be lawful for the Governor whenever he shall think fit, by Proclamation in the *Government Gazette* to set apart on the Western side of the Bay of Islands an eligible site for a Settlement for colonization, and the limits of such Settlement from time to time to define and vary as he shall think fit: Provided always that the extent of such Settlement shall at no time exceed 250,000 acres of land, inclusive of any land therein comprised that may be the property of private individuals.

Land specified in Schedule may be reserved or taken by Governor.

II. For the purposes of such settlement the Governor may reserve or take the whole or any part of the Land specified in the Schedule to this Act; and such land shall be deemed to be Crown Land, freed and discharged from all claims whatever, as soon as the Governor shall have notified in the *New Zealand Gazette* that he has reserved or taken the same for the purposes of this Act.

Compensation to be given for land reserved or taken.

III. Whenever any Land shall have been so reserved or taken the person to whom the same would otherwise have been granted shall be compensated according to the value thereof at the time of the same being reserved or taken, to be determined at the option of such person by a Commissioner appointed under "The Land Claims Settlement Act, 1856," or by the award of two indifferent Arbitrators, one to be appointed in writing by the person whose Land shall be so reserved or taken, and the other by the Colonial Secretary, or in case of their not agreeing in an award within three weeks from the time of the question being referred to them by the Colonial Secretary in writing, then by the award of their Umpire, to be chosen before they enter upon the question: Provided always that if no award shall have been made within six weeks from the time of such reference by the Colonial Secretary, the amount of compensation shall be determined by the said Commissioner.

Colonial Treasurer to issue certificate for amount of compensation.

IV. Upon the determination of the amount of compensation so to be granted as aforesaid, the Colonial Treasurer shall issue to the person entitled to the same a Certificate entitling such person or his assigns to purchase Waste Land of the Crown within the Province of Auckland to the amount thereof, according to the Law for the time being in force regulating the sale of such Land: Provided always that it shall be lawful for the Governor, at the request of the party entitled to compensation, to pay in money the value, to be determined as aforesaid, of any improvements made upon any land reserved or taken under this Act.

Crown Lands, &c., within Settlement to be disposed of under provisions of this Act.

V. Within the Settlement so constituted, all the Waste Lands of the Crown, and all land now or hereafter to be reserved or taken for the purposes of this Act, shall be held and disposed of under the provisions hereof, and not otherwise.

Governor to cause a Town, &c., to be laid out.

VI. It shall be lawful for the Governor within such Settlement to cause a Town to be surveyed and laid out, and also Suburban and Rural allotments.

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VII. All such Town, Suburban, and Rural Lands, shall be let, sold, occupied, and disposed of, for such prices, in such manner, for such purposes, upon such terms, and subject to such regulations, as the Governor in Council shall from time to time prescribe for that purpose.

Land to be disposed of as the Governor shall prescribe.

VIII. The money to arise from the sale and disposal of any such Lands shall be disposed of as the Governor in Council, shall from time to time direct for the following purposes, namely,—

Proceeds to be expended in Settlement for purposes specified.

First,—In defraying the expenses incident to the formation and laying out such Settlement, including the payment of any compensation to the owners of any Land that may be reserved, or taken under the provisions of this Act.

Formation, &c.

Secondly,—In the making and erection of Roads, Bridges, Docks, Quays, Landing places, Wharves, Piers, Public Buildings, and other Public Works within such Settlement, and in repayment of any Loans advanced for any such purposes.

Roads, &c.

Thirdly,—In establishing, endowing, and maintaining Public Schools and other Public Institutions.

Schools, &c.

Fourthly,—In promoting Emigration from other Places for the purpose of securing the efficient colonization of the said Settlement.

Emigration, &c.

Provided always that all such money shall for the purposes of "The New Zealand Loan Act, 1856," be deemed and taken to be Revenue arising from the disposal of Waste Lands of the Crown in the Colony of New Zealand, and shall be chargeable with the sums of money borrowed and raised under the authority of the said Act, and with the interest thereon.

IX. 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.

X. The Short Title of this Act shall be "The Bay of Islands' Settlement Act, 1858."

Short Title.

## SCHEDULE.

All that parcel of Land situate within the Bay of Islands District and comprised within the boundaries following, that is to say:—Commencing at the Wharau Point at the entrance of the Keri Keri River, thence ascending the main ridge of hills to the hill called Te Puke, thence by the ridges forming the Eastern and Southern boundary of John Edmonds' claim, thence by a line along the Southern

Schedule.

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boundary of James Shepherd's claim to the hill called Pukewhau, thence along the Eastern boundary of the claim known as the "Children's land" to its termination at the Whiringatau Creek, thence by that creek to the Kerikeri River, and by the Kerikeri River to the Rapid at the Church Mission Station, thence across the river to the road from that Station to the Rangitane Creek, and from that Creek by a line in a North-Easterly direction to the Mangonui River, thence by highwater mark to the Ake Ake Point, and thence by a line across the Kerikeri River to the Wharau Point, including all the Islands within the said Boundary. Estimated to contain fifteen thousand acres, more or less.