

Ormond Military Grants Act 1878

Local Act 1878 No 35
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An Act for the Investigation of the Title of certain derivative Claimants and Others to Land within the Ormond Military Settlement, in the Provincial District of Auckland.

Preamble

WHEREAS the Government of New Zealand undertook that in consideration of certain settlers performing military duties and services they should be entitled to claim certain land: And whereas divers of such settlers accepted military service upon such conditions, and became entitled to claim a grant to them of such land: And whereas, in fulfilment of such undertaking, in pursuance of the powers contained in The New Zealand Settlements Act 1863, *[Repealed]* and its amending Acts, a certain block of land situated at Ormond, in the Poverty Bay District, was set apart for the location of the said settlers, and the same land was duly awarded to the said settlers by the Agent of the said Government; and, upon such award being made, it was agreed that, upon consideration of each

settler residing at Turanga for a period of two years, or providing a substitute to perform the same service, the said settler should be entitled to claim a Crown grant for the land so awarded to him; and, further, that if such settler, having duly performed all conditions, should, within such period of two years, sell and dispose of the land so awarded to him, that in such case the purchaser of such land should be entitled to claim a Crown grant for the land so purchased by him:

And whereas it is expedient to appoint a Commissioner for the purpose of investigating the titles of the persons now claiming the said lands derivatively from the aforesaid settlers by purchase or otherwise, and ascertaining the rightful persons to whom Crown grants for the same should now be issued:

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

1 Short Title

The Short Title of this Act shall be The Ormond Military Grants Act 1878.

2 Governor may appoint Commissioners

The Governor, by warrant under his hand, may appoint any person to be a Commissioner under this Act, and from time to time may revoke any such appointment and make another appointment in the place thereof, or in the event of the death, resignation, or refusal to act, or incapacity of any Commissioner.

3 Powers of Commissioner

Every Commissioner under this Act shall have the powers conferred by The Commissioners Powers Act 1867, [*Repealed*] and its amending Acts, on a Board or Commission appointed by the Governor in Council.

- 4 Commissioner to investigate title of derivative claimants**
It shall be the duty of a Commissioner, upon application made to him in that behalf, to ascertain by such means as he shall think most fitting the right of any settler who claims any title or interest to any lands by reason of military services rendered as aforesaid, or the right of any person who claims any such title or interest derivatively with the consent of the Government by purchase or otherwise from any such settler.
- 5 To report thereon**
Upon proof to his satisfaction that the right of a claimant to any of the said lands has been established, the aforesaid Commissioner may issue his certificate directed to the Commissioner of Crown Lands of the district wherein the particular lands under investigation are situate, to the effect that the aforesaid claimant has established his right to the said lands, and that a Crown grant for such lands should be issued to the claimant.
Every such certificate shall state a date from which the lands described in any grant shall be antevested.
- 6 On Commissioner's certificate, new grants to be prepared**
Upon receipt of any such certificate it shall be lawful for the aforesaid Commissioner of Crown Lands to prepare a Crown grant for the lands mentioned in such certificate, in manner and to the person in the said certificate mentioned, and to issue the same to such person.
- 7 Fees on grants**
The person to whom any Crown grant is issued under this Act shall be responsible for and shall pay all fees due in respect of such grant before the same shall be delivered to him; but no fee shall be required or taken from any claimant in respect of any inquiry under this Act.
- 8 Validity of grants under this Act**
Every grant of land made in pursuance of this Act, or purporting to be so made, shall be deemed and taken to be

a good, valid, and effectual conveyance of the land thereby intended to be conveyed against Her Majesty, her heirs and successors, and against all other persons whomsoever; and such grants respectively shall be deemed to be in full satisfaction of the claims that any of the settlers hereinabove first mentioned may respectively have against Her Majesty in respect of military services rendered by such settlers.