

New Zealand.

ANNO VICESIMO NONO

VICTORIÆ REGINÆ.

No. 66.

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AN ACT to Alter Amend and Continue Title. "The New Zealand Settlements Act 1863." [30th October 1865.]

WHEREAS by "The New Zealand Settlements Act Amendment Preamble.
Act 1864" (herein referred to as the Act of 1864) it was enacted that
"The New Zealand Settlements Act 1863" (herein referred to as the
Act of 1863) and the said Act of 1864 should respectively continue in
operation until the third day of December 1865 and it is expedient to
alter and amend the said Act of 1863 as amended by the said Act of
1864 and to prolong the continuance thereof as so amended

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

I. The Short Title of this Act shall be "The New Zealand Settle- Short Title.
ments Amendment and Continuance Act 1865."

II. The said Act of 1863 as amended by the said Act of 1864 and Continuance of former Acts. Power of Governor to proclaim districts not to be exercised.
by this Act is hereby made perpetual Provided that the powers
vested by the said Act of 1863 in the Governor in Council of
proclaiming Districts and of reserving and taking land for settlement
under the said Act shall not be exercised after the third day of
December 1867.

III. The Governor in Council shall have power from time to time Power of Governor to make regulations for proceedings of Compensation Court.
to make regulations for the practice and procedure of the Compensation
Courts and of arbitrations umpirages and appeals under the said
Acts and under this Act and for establishing scales of fees in relation to all
such proceedings and may from time to time rescind alter and amend
such regulations.

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Regulations to be published in the Government Gazette.

IV. All such regulations and all rescindings alterations and amendments thereof shall be from time to time notified in the Government Gazette of the Colony and shall take effect from the publication of such notice or at such other day as shall be therein fixed not being prior to the publication thereof.

Claims to specify particulars.

V. Every claim for compensation under the said Act of 1863 shall specify the name or names of the claimant or claimants the interest in respect whereof the claim is made and as nearly as may be the extent and particulars of land affected thereby and the amount claimed as compensation.

The Crown may abandon land in respect of which compensation is claimed.

VI. In every case of claim for compensation the Colonial Secretary on behalf of the Crown may if he shall think fit at any time before judgment or award by notice in writing to the claimant delivered to or addressed by post to him or her or delivered to his or her agent or attorney abandon the right of the Crown to take the land in respect of which compensation is claimed and after such notice of abandonment such land shall be excluded from the operation of the said Acts and of this Act Provided that if the Crown shall abandon its right after the claim shall have been referred to the Compensation Court such abandonment shall be subject to such conditions as to payment of costs as the Court shall think fit.

Power of Compensation Court.

VII. It is hereby declared and enacted that the Compensation Court has and since the passing of "The New Zealand Settlements Act 1863" always had full power and authority to determine for the purposes of the said Act of 1863 and the said Act of 1864 and this Act whether any person or persons claiming compensation under the said Acts have committed any of the offences or have committed any of the acts specified in the five sub-sections of the fifth section of the said Act of 1863.

Bills of costs &c. to be taxed by any officer appointed by the Compensation Court.

VIII. All bills of costs and charges of attorneys solicitors agents and other persons engaged in prosecuting compensation claims whether in the Compensation Courts or by arbitration shall before payment be taxed by some officer to be appointed in that behalf by the Compensation Court and such sum only as shall be allowed on such taxation shall be paid or allowed and any money paid without or in excess of such taxation may be recovered from the person to whom the same shall have been paid.

Parties may agree that compensation shall be in land.

IX. In any case of claim for compensation the Colonial Secretary on behalf of the Crown and the claimant may agree that land shall be given either wholly or in part by way of compensation for such claim in lieu of money and land may be so granted accordingly out of any land within the same Province subject to the provisions of the said Acts.

The Crown may elect to give compensation in land.

X. In every case of claim for compensation the Colonial Secretary may at any time before judgment or award elect to give the claimant land in lieu of money out of any land within the Province subject to the provisions of the said Acts and in every such case the Compensation Court or the arbitrators or umpire as the case may be shall determine the extent of land so to be given as compensation and land may in such case be granted accordingly.

Power of appeal.

XI. Instead of the periods of six months and eighteen months prescribed by the seventh section of the said Act of 1863 for preferring claims for compensation the period for such purpose shall be a period not less than three months nor more than six months to be prescribed by the Compensation Court in each case and the Court shall not proceed to hear or ~~adjudicate~~ upon claims so preferred till the expiration of the period so ~~prescribed~~ and due notice of such period for preferring claims shall be given by direction of the Court by advertisement in

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public newspapers or otherwise by public notice in the Maori and English language. Provided that if any person shall after the expiration of such prescribed period but within the period of twelve months thereafter prefer to the Colonial Secretary a claim for compensation it shall be lawful for the Colonial Secretary if he shall think fit but not otherwise to refer such claim to the Court for adjudication and in such case the Court shall hear and determine such claim accordingly.

XII. Every order of the Compensation Court and every award shall be made in writing and shall be transmitted to the Colonial Secretary and shall be in such form and shall specify and be accompanied with such plans and particulars as shall be from time to time prescribed by regulations to be made as aforesaid. Form of order and award.

XIII. No claimant shall be entitled to require payment or transfer of compensation whether in money or land until the expiration of three months after the judgment or award shall have been transmitted to the Colonial Secretary. Payment or transfer not to be required till after a lapse of three months.

XIV. The 14th and 15th clauses of the Act of 1863 are hereby repealed and in lieu thereof it is hereby enacted as follows— Repeal of fourteenth and fifteenth clauses of the Act 1863 Provision in lieu thereof.

Judgments or awards of compensation in money or land made under or in pursuance of the said Acts or of this Act may be satisfied by the Governor in the case of money by payment out of the general ordinary revenue of the Colony subject to the provisions hereinafter contained for making Treasury Bills payable as cash and in case of land by grant of such land in accordance with the provisions of this Act.

XV. Compensation in money shall be paid and in land shall be granted to some person or persons to be specifically named in the order or award and such payment or transfer shall be an effectual discharge to the Crown in respect of all claims in respect of which such compensation shall be made or granted. Provided that the Governor may direct that money or land awarded as compensation shall be invested for the benefit of the parties entitled upon such trusts and in such manner and subject to such conditions as he shall think fit. Payment or transfer to be made to persons specifically named.

XVI. The 17th and 18th sections of the said Act of 1863 are hereby repealed and in lieu thereof it is enacted as follows— Governor to have the power of laying out land for sale.

The order and manner in which land shall be laid out for sale and sold under the provisions of the said Act shall be in the discretion of the Governor who shall have power to cause such land or any part thereof to be laid out for sale and sold from time to time in such manner for such consideration in such allotments whether town suburban or rural or otherwise as he shall think fit and subject to such regulations as he shall with the advice of his Executive Council from time to time prescribe in that behalf. Provided that no land shall be sold except for cash nor at a less rate than ten shillings per acre.

XVII. If the Governor shall think it expedient to grant land taken under the Act of 1863 to persons subject to conditions for the performance of Military or Police services it shall be lawful for him with such advice as aforesaid to grant to any person or persons whomsoever any land out of the land taken as aforesaid accordingly and either with or without consideration in money subject to conditions for the performance of Military or Police services and the land so granted shall be held dealt with and disposed of subject to such conditions for the performance of such services as shall be so fixed by the Governor and agreed to by the grantees. And such conditions shall be binding on the grantees and all lessees sub-lessees sub-grantees and occupants of the Governor may grant land subject to conditions of military and other services.

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land granted and may be enforced according to the terms thereof and according to the provisions of this Act and shall bind and oblige the grantees lessees sub-grantees and occupants of such land to the performance of such Military or Police service for such period and in such manner as shall be specified in such conditions And the Governor may by such conditions provide that in addition to all liabilities incurred by way of contract the grantees lessees sub-lessees sub-grantees and occupants of such land shall be liable to penalties for breach or non-performance of such conditions but no penalty shall exceed one hundred pounds and all such penalties shall be recoverable in a summary way before two or more Justices of the Peace.

Application of pro-
ceeds of sale.

XVIII. The nineteenth section of the said Act of 1863 is hereby repealed and in lieu thereof it is enacted as follows—

Money to arise from the sale and disposal of land in each Province under the said Acts of 1863 and 1864 and this Act shall be paid to the Colonial Treasurer and shall be applied in such manner as the General Assembly shall from time to time by any Act passed in that behalf direct.