

*This PUBLIC BILL originated in the LEGISLATIVE COUNCIL and having this day passed as now printed is transmitted to the HOUSE OF REPRESENTATIVES for their concurrence.*

*Legislative Council,  
13th October, 1868.*

A BILL INTITULED

AN ACT to declare a certain Crown Grant issued to one George Green to be invalid and for other purposes.

Title.

Preamble.

WHEREAS certain claims made by one George Green and James Spencer to the lands described in the Schedule hereto were heretofore heard under "The Land Claims Settlement Act 1856" and "The Land Claims Settlement Extension Act 1858" And whereas the Commissioners made a decision and award upon such claims and directed that a Crown Grant of the said lands should be issued to the said George Green And whereas a Crown Grant of the said land was issued accordingly to the said George Green And whereas it is alleged the said decision and award of the said Commissioners were induced by certain misrepresentations made by the said George Green to the Commissioners And whereas it is just that the said decision and award should be reversed and the claim be reconsidered by the Commissioner and a new award and decision given And whereas the said George Green lately brought an action in the Supreme Court against James Spencer and John Watt and others to recover possession of the said land and for mesne profits and for moneys payable for use and occupation of the said land claiming title thereto under the said Crown Grant And whereas in the course of the said action the said Supreme Court awarded certain costs to be paid by the defendants or some of them to the said George Green.

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

Short Title.

1. The Short Title of this Act shall be "The Green and Spencer Land Claims Act 1868."

Award of Commissioner made void.

2. The decision award and direction of the Land Claims Commissioner whereby the land described in the Schedule hereto was awarded to the said George Green and the direction that a Crown Grant of such land should be made and issued to him is hereby annulled and made void and it shall be lawful for the said Commissioners to make a new decision award and direction in lieu thereof.

New decision may be appealed against.

3. It shall be lawful for either of the claimants aforesaid to appeal against such new decision award or direction of the said Commissioner to the Supreme Court in manner provided by the thirteenth section of "The Land Claims Settlement Act 1856" at any time within six months from and after the passing hereof anything in the said Act to the contrary notwithstanding.

Grant to George Green may be cancelled.

4. In the event of such new decision and award of the Commissioner containing a recommendation that the said Crown Grant to George Green should be cancelled and should no certificate be given within the said period of six months by a Judge of the Supreme Court of his opinion that the said new decision and award should be reversed or annulled it shall be lawful for the Governor to cancel the grant aforesaid issued to the said George Green in manner and with the effect provided in respect of the cancellation of grants by "The Crown Grants Act 1866" and to issue a grant or grants of the aforesaid

land claimed by the said George Green and James Spencer or of any part of it in accordance with such new decision or award.

Proceedings may be stayed.

5. It shall be lawful for a Judge of the Supreme Court upon an application in a summary way to stay the proceedings in the action aforesaid brought by George Green to recover possession of the lands described in the Schedule hereto and for other matters until the opinion of a Judge of the Supreme Court shall have been certified as aforesaid.

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James Spencer freed and indemnified from and against costs of action and proceedings stayed.

6. If it shall appear to the satisfaction of the Commissioner and be so stated in such new decision or award that the decision and award hereby annulled were induced by misrepresentations made by the said George Green and such new decision or award be not reversed or annulled within the period aforesaid by the Supreme Court then and in such case the said James Spencer and John Watt and others the defendants in the aforesaid action shall be and are hereby freed acquitted and indemnified of from and against all costs in the said action or in any proceedings connected therewith or in any appeal against any judgment or order made in the said action heretofore or which hereafter may be awarded by the Supreme Court to be paid by the defendants in the said action or any of them to the said George Green or which they or any of them may become in any way liable to pay to the said George Green in the said action and all awards judgments and orders which the said defendants may have been or may be or become liable or subject to for or on account of any such costs shall be discharged and made void and the said action so commenced by the said George Green shall on the expiration of the said period of six months without such reversal or annulment as aforesaid be absolutely stayed and any Judge of the Supreme Court to whom the Judicial District of Otago and Southland shall for the time being have been assigned is hereby authorized and required to order that all further proceedings in the said action shall be stayed.

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George Green to pay costs.

7. All costs which the said defendants or any of them have incurred or hereafter shall incur or have or shall become liable to pay for or about or in respect of defending the action so commenced by the said George Green for the recovery of the said land or for or about or in respect of any appeal against any judgment or order made in such action shall on the expiration of the said period of six months without such reversal or annulment as aforesaid and upon being taxed and allowed by the proper taxing officer be paid by the said George Green to the said defendants respectively or in default of such payment within three months after such confirmation or allowance shall be made a first charge upon any land or lands hereafter to be awarded by the said or any Commissioners under "The Land Claims Settlement Act 1856" or under any Act of the General Assembly of New Zealand to the said George Green or his representatives and it shall not be lawful for any such Commissioners to direct or recommend or for the Governor to issue any grant for such land or lands hereafter to be awarded until the costs aforesaid shall have been so paid to the satisfaction of such Commissioners.

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Schedule.

#### SCHEDULE.

ALL that parcel of land in the Province of Southland containing by admeasurement one hundred and seventeen (117) acres more or less situate in the Campbelltown Hundred being allotment number one (1) of three (3) and being the north-eastern portion of section number three (3) Block I. on the Record Map of the said Hundred bounded towards the North-east by the Road Reserve along high-water mark of Bluff Harbour towards the South-east partly by section one (1) five thousand seven hundred and fifty (5750) links and partly by Bush Reserve towards the South-east by a line bearing E. 34° 0' S. drawn from a point on the south-eastern boundary of the reserve on the summit of the Bluff being three hundred (300) links distant from the north-eastern angle of the last-mentioned reserve for a distance of one thousand five hundred and fifty-two (1552) links and towards the North-west by the portion of section four (4) lying to the north-east of the last-mentioned line.