

# George Hempelman Land Claims.

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## A BILL INTITULED

### AN ACT to provide for the Settlement of certain Land Title. Claims in the Province of Canterbury.

**W**HEREAS George Hempelman of Akaroa in the Province of Canterbury settler did in the present Session of Parliament present a Petition to the House of Representatives stating—

- (1.) That in the year one thousand eight hundred and thirty-seven he landed at Banks' Peninsula in the Province of Canterbury where he established and conducted a whaling station for many years thereafter
- (2.) That by a document dated the second day of November one one thousand eight hundred and thirty-nine he purchased from certain Native Chiefs claiming title thereto a large tract of land on Banks' Peninsula comprising his whaling station
- (3.) That the consideration given by him consisted of a schooner a six-oared whaleboat and other goods and stores which amounted in value to the sum of six hundred and fifty pounds
- (4.) That in the year one thousand eight hundred and forty he caused a Memorial to be addressed to the Colonial Secretary for New South Wales setting forth his contract and claim to the said tract of land but no reply was sent to this Memorial
- (5.) That subsequently and within the time required by the Land Claims Ordinance of New Zealand in the year one thousand eight hundred and forty-two he presented a Memorial to Captain Fitzroy the then Governor of New Zealand praying that his claim to the said land might be confirmed
- (6.) That notwithstanding every diligence used by him his claim was not investigated until the month of December one thousand eight hundred and fifty-one when it came on for hearing before Colonel Campbell the Crown Lands Commissioner for the Middle District

when the contract for the land the amount of consideration given and other circumstances connected with the purchase of the said land were established before the Commissioner who reported that the purchase was a *bonâ fide* one and that Mr. Boys the Crown Surveyor was directed by Mr. Commissioner Campbell to survey five several plots of land to be selected by him within the said block of land purchased by him from the said Native Chiefs to the extent of two thousand five hundred and sixty acres 5

(7.) That after the lapse of a considerable period namely in the year one thousand eight hundred and fifty-three he received a letter from William Guise Brittan Esquire who had succeeded Colonel Campbell as Crown Commissioner announcing that a grant of two hundred and fifty acres only would be granted to him upon his giving a written declaration that the grant would be accepted by him in full satisfaction of all his claims 10 15

(8.) That he declined to accept the offer subject to the conditions imposed but offered to take the two hundred and fifty acres provided they were given without prejudice to his future rights and claims but Mr. Commissioner Brittan refused to depart from his proposals and the reduced state of his circumstances compelled him to accept of the said two hundred and fifty acres and sign the required acknowledgment under protest 20

(9.) That grants of two hundred and sixty-five acres were made to him but that no other lands or compensation were ever received by him and no reason ever assigned for refusing to give effect to the report of Mr. Commissioner Campbell and that he had been put to great expense and loss in prosecuting his claim to the said two thousand five hundred and sixty acres directed and commanded by Mr. Commissioner Campbell to be set apart for him. And praying that the circumstances of his case and the decision arrived at by the Government might be reviewed and an award made to him of such further portion of land to that already given to him as shall seem meet and to be relieved from the great hardship and injury he had sustained through the land awarded to him by Mr. Commissioner Campbell having been withheld from him. And whereas the said land at Banks' Peninsula has become of considerable value in consequence of the settlement there of a numerous population. And whereas some of the said lands claimed by the said George Hempelman were constituted into a town. And whereas it is expedient that provision should be made for the final settlement of the claims of the said George Hempelman in respect of the said lands in manner hereinafter mentioned 25 30 35 40

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows— 45

1. The Short Title of this Act shall be "The George Hempelman Land Claims Settlement Act 1869."

2. If within thirty days after the passing of this Act the said George Hempelman shall by a notice in writing signed by him and attested by two witnesses signify to the Colonial Secretary that he is willing to accept such settlement of his claims against the Crown set forth in the said Petition as the Governor is by this Act empowered to make it shall be lawful for the Governor to issue to the said George Hempelman in the form in the Schedule hereto which shall authorize the said George Hempelman to purchase to the amount of pounds any of the Waste Lands of the Crown in the Province of Canterbury open for sale or selection without payment in cash at auction or by selection without auction or otherwise but subject in every respect to the law in force for the time being regulating the sale and disposal of the Waste Lands of the Crown in the said Province 50 55 60

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and the price at which lands shall be sold except only so far as the said law requires payment for such lands to be made in money

5 Provided however that the right to make any such purchase shall be exercised within twelve months from the passing of this Act and not afterwards and the acceptance of such land order by the said George Hempelman shall be deemed a final settlement of all and every claim whatever of the said George Hempelman in respect of the matters set

10 forth in the said Petition or in any way relating thereto.

3. Whenever the said George Hempelman shall exercise the said land order (provided the same be exercised before the expiration of such period aforesaid) by the purchase or selection of any such land as aforesaid the said George Hempelman shall at the time when under

15 the law in force in the said Province regulating the sale of the Waste Lands of the Crown he would be bound to pay any deposit or purchase money if such purchase had been made simply under such law and not under this Act produce such land order to the person or persons to whom such deposit or purchase money would be payable and such

20 person or persons shall thereupon note by indorsement upon such land order the sum of money which would be payable by the said George Hempelman as such deposit or purchase money as aforesaid and shall also give to the said George Hempelman a receipt or certificate in the like form and to the like effect as the said George

25 Hempelman would be entitled to receive if he had paid in cash the sum so indorsed and such receipt or certificate shall have the same force and effect as if the said George Hempelman had paid such sum indorsed as aforesaid.

George Hempelman may exercise right by obtaining indorsement of deposit or purchase money upon land order.

4. In the event of the death of the said George Hempelman

30 before such land order shall be issued or before such land order shall be exercised such order may be issued to or exercised by any person appointed in writing for the purpose by the said George Hempelman.

Right to survive to George Hempelman's appointee.

SCHEDULE.

Schedule.

LAND ORDER.

Governor.

By virtue and in exercise of the power vested in me in this behalf by "The George Hempelman Land Claims Settlement Act 1869" I hereby authorize George Hempelman of Akaroa in the Province of Canterbury settler to purchase to the amount of pounds any of the Waste Lands of the Crown in the said Province open for sale or selection without payment in cash therefor subject however in all respects to the provisions in the said Act contained.

Dated the                    day of                    one thousand eight hundred and

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