

A BILL INTITULED

AN ACT to make provision for the Final Settlement of Land Claims. Title.

WHEREAS it is expedient to make final provision for the settlement of Land Claims arising out of purchases from the Aboriginal Inhabitants of New Zealand or out of alleged contracts promises provisions and engagements of the Crown in reference to such purchases Preamble.

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

1. The Short Title of this Act shall be “The Land Claims Final Settlement Act 1868.” Short Title.

2. Claims arising out of purchases from the aboriginal inhabitants of New Zealand or out of alleged contracts promises and engagements of the Crown in reference to such purchases may be determined under the provisions of this Act. Claims under purchases from Natives may be settled under this Act.

3. No claim shall be admitted under this Act unless a notification thereof shall have been made in writing to and filed with the Land Claims Commissioner before the thirty-first day of December eighteen hundred and sixty-eight and a fee of ten pounds paid at the time of the filing thereof. Claims to be sent in before the 31st December, 1868.

4. No claim shall be entertained under the provisions of this Act— Classes of claims excluded.

(1.) Which shall not have been notified to and heard or partly heard or investigated by a Land Claims Commissioner

(2.) In respect whereof the claimant shall have already received a grant of the piece of land which he actually bought from the Natives

(3.) Or in respect whereof the claimant shall have surrendered his claim to the Government in exchange for scrip money or debentures Provided that this shall not be held to exclude claims arising out of purchases made under the proclamation of Governor Fitzroy dated tenth October eighteen hundred and forty-four commonly known as “The Penny-an-Acre Proclamation.”

Claimants to sign
declaration.

5. Every claimant whose claim may be admitted under this Act shall at the same time as he notifies the same sign a declaration that he will accept the provisions of this Act as a final and conclusive settlement.

And to file memorial.

6. Every claimant whose claim shall be admitted under this Act may file a memorial to a Judge of the Supreme Court setting forth the grounds upon which he considers himself entitled to a grant of land or to a further grant of land beyond any grant or award of land or scrip made to him pursuant to any order made by the Land Claims Commissioner under the provisions of "The Land Claims Settlement Act 1856" or "The Land Claims Settlement Extension Act 1858."

Judge of Supreme
Court to entertain
memorial.

7. Upon the filing of such memorial it shall be the duty of the Judge of the Supreme Court to certify after receiving such evidence or information as he shall think fit in the case whether in his opinion the claimant has in equity and good conscience any just grounds for the decision of his claim as hereinafter mentioned.

Issue to be tried by
jury.

8. If the certificate of the Judge shall be to the effect that the claimant has any just grounds as aforesaid the Judge may direct certain issues to be tried before a jury as hereinafter mentioned or to be determined by arbitration in the usual way one arbitrator being named by the Colonial Secretary and the other by the claimant and an umpire being chosen by the arbitrators before they enter upon their duties.

How jury to be
inpanelled.

9. Every jury under this Act shall be drawn by the Sheriff by lot from the Special Jury List and shall consist of six jurors.

Jury to fix number
of acres to be
granted.

10. In every case so tried or referred to arbitration one of the issues shall be whether the claimant is entitled to any grant of land and the jury or the arbitrators or umpire as the case may be shall determine the number of acres if any to which the claimant may be so entitled.

Land order to be
thereupon granted
by the Governor.

11. Upon the verdict of the jury or the award of the arbitrators or umpire being recorded in favour of any claimant on such issue as last aforesaid it shall be lawful for the Governor to issue to the claimant a land order entitling him to select within the boundaries of his original claim such a number of acres of rural land as shall be stated in such verdict or award. Provided that if the jury shall certify that in their opinion it would be unjust to limit such right of selection to the land comprised within such boundaries then such land order shall be exercisable over any rural lands within the Province open to selection under the provisions of the laws for the time being in force within such Province relating to the disposal of waste lands of the Crown.

Chief Justice to
make rules.

12. The Chief Justice of New Zealand shall make such rules as to him shall seem fit for the regulation of all trials and arbitrations under this Act and of fees payable by claimants in addition to the fee of ten pounds hereinbefore mentioned which rules shall be submitted for the approval of the Governor and upon such approval shall be published in the *New Zealand Gazette*.

Interpretation of
section 12 of Act
of 1858.

13. In the interpretation of section twelve of "The Land Claims Settlement Extension Act 1858" the Land Claims Commissioner may in his discretion estimate the outlay of a claimant in the partial extinguishment by him of the Native title over land ceded to Her Majesty and may direct a grant to be issued to him at the rate in the said section mentioned and the words "original claimant" in the said section shall be deemed to have included derivative claimants.

Interpretation of
section 9 of Act
of 1856.

14. In the interpretation of section nine of "The Land Claims Settlement Act 1856" the Land Claims Commissioner may in his discretion (provided the claims shall have been notified to him before the thirtieth June eighteen hundred and fifty-nine) admit to a hearing claims arising out of dealings with the Natives with the sanction of the Government after the establishment of British sovereignty though the evidence of such sanction shall be oral only and not in writing.