

NEW ZEALAND.

ANNO VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

No.

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A BILL INTITULED—

**AN ACT to enable the Governor to establish
Settlements for Colonization in the
Northern Island of New Zealand.**

WHEREAS the Northern Island of the Colony of New Zealand has, from time to time, been subject to insurrections amongst the evil disposed persons of the Native race, to the great injury, alarm, and intimidation of Her Majesty's peaceable subjects of both races, and involving great losses of life and expenditure of money in their suppression; And whereas many outrages upon lives and property have recently been committed, and such outrages are still threatened and of almost daily occurrence; And whereas a large number of the Inhabitants of several districts of the Colony have entered into combinations, and taken up arms with the object of attempting the extermination or expulsion of the European settlers, and are now engaged in open rebellion against Her Majesty's authority: And whereas it is necessary that some adequate provision should be made for the permanent protection and security of the well disposed Inhabitants of both races, for the prevention of future insurrection or rebellion, and for the establishment and maintenance of Her Majesty's authority, and of Law and Order throughout the Colony: And

whereas the best and most effectual means of attaining those ends would be by the introduction of a sufficient number of settlers, able to protect themselves and to preserve the peace of the Country: And whereas there are large tracts of Land, lying unoccupied, useless, and unproductive, which may be made available for the introduction and location of such settlers, with benefit to themselves and with manifest advantage to the Colony:

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 New Zealand settlements Act, 1863.”

Governor in Council may set apart Sites for Settlements.

2. It shall be lawful for the Governor in Council, from time to time, to set apart eligible sites for settlements for colonization, and the boundaries of such settlements to define and vary.

Governor in Council may take Land for such Settlements.

3. For the purposes of such settlements the Governor in Council may from time to time reserve, or take any Land in the Northern Island of the Colony, in respect of which no Certificate of Title under “The Native Lands Act, 1862,” nor any Crown Grant shall have been issued, and any such Land shall be deemed to be Crown Land, freed and discharged from all Title, Interest, or Claim of any person whomsoever, as soon as the Governor in Council shall have declared that such Land is required for the purposes of this Act, and is subject to the Provisions thereof.

Compensation to be granted.

4. Compensation shall be granted to all persons who shall have any title, interest, or claim to any Land taken under this Act, provided always that no compensation shall be granted to any of the persons following that is to say, to any person—

Who not entitled thereto.

- (1.) Who shall have been engaged in levying or making war, or carrying arms against Her Majesty the Queen, or Her Majesty's Forces in New Zealand, or—
- (2.) Who shall have adhered to, aided, assisted, or comforted any such persons as aforesaid, or—
- (3.) Who shall have counselled, advised, induced, enticed, persuaded, or conspired with any other person to make or levy war against Her Majesty, or to carry arms against Her Majesty's Forces in New Zealand, or to join with or assist any such persons as are before mentioned in Sub-Sections (1) and (2), or—
- (4.) Who in furtherance or in execution of the designs of any such persons as aforesaid, shall have been either as principal or accessory concerned in any outrage against person or property.

Compensation to be granted according to the nature of the title of the party claiming.

5. Compensation shall be granted according to the nature of the title, interest, or claim of the person requiring compensation,

XX. The several powers vested in Governor and the Governor in Council by this Act authorizing the formation of Settlements for colonization shall so far as the same are applicable thereto apply to any land which shall be obtained by cession or purchase or shall be set apart by the Government of any Province for the purpose of such settlements although such land shall not be situate within the limits of a District to be declared under the second section of this Act.

Act may apply to land obtained by purchase, &c.

and according to the value thereof at the time of the passing of this Act: Provided always, that no claim shall be entertained unless the same shall have been preferred in writing to the Colonial Secretary by the claimant, if residing in the Colony within six months, and if not residing in the Colony, then within eighteen months after the Land, in respect of which the claim is made, has been proclaimed under Section 3, as required for the purposes of this Act.

6. For the purpose of determining claims for compensation under this Act, there shall be established Courts, to be called "Compensation Courts."

Compensation Courts to be established.

7. It shall be lawful for the Governor, from time to time, by Letters Patent under the Public Seal of the Colony, to appoint Judges of such Courts, and at any time by warrant under his hand to remove any such Judge.

The Governor to appoint Judges.

8. Any Judge, before proceeding to act, shall take and subscribe before a Judge of the Supreme Court an Oath that he will faithfully perform the duties of his Office.

Judges to take Oath.

9. Every Compensation Court shall be held before one such Judge, whose jurisdiction shall extend over a district to be specified in the Letters Patent by which he is appointed.

Extent of Jurisdiction.

10. Every Judge shall have the power, as near as circumstances will permit, of compelling the attendance of, and examining witnesses, and of regulating the proceedings of his Court, as a Resident Magistrate in New Zealand has in reference to a cause of complaint, over which he has summary jurisdiction; and also power to make rules for the conduct of the business of his Court.

Power of Judges to compel attendance of witnesses, &c.

11. It shall be the duty of the Colonial Secretary to transmit every claim under this Act which shall be received by him, to the Judge of a Court competent to hear the same, and it shall be the duty of such Judge to hear the claim and determine the right of the claimant to compensation, and the amount of compensation to which he is entitled.

Colonial Secretary to transmit claims and Judges to hear them.

12. The Judge shall grant to every claimant whom he shall determine to be entitled to compensation a certificate, specifying the amount thereof, and describing the Land in respect of which the same is granted, and the nature of the claimant's title, interest, or claim therein.

Certificates to be granted.

13. Such certificate shall entitle the person in whose favour the same was granted, to receive from the Colonial Treasurer the amount named in such certificate as payable to him.

Grantee of certificate entitled to amount from Colonial Treasurer.

14. On part of the Land, subject to the provisions of this Act, the Governor shall cause to be laid out a sufficient number of Towns and Farms around, or as near as conveniently may be to the same, to give full effect to the provisions of the several Contracts heretofore or hereafter to be entered into by or on behalf of the Government of New Zealand with certain persons for the granting of land to them respectively in return for

Towns, &c., to be laid out on land subject to this Act for military settlers.

Military Service on the terms in and subject to the Conditions of the said Contracts respectively expressed, and the several persons who shall have been enrolled under the said Contracts respectively, shall be entitled to such Town and Farm Sections in conformity with the Provisions of the said Contracts; Provided always that it shall be lawful for the Governor with the consent in writing of any person entitled under such Contracts to vary the Conditions thereof as regards such person, as the Governor in Council may think fit.

Governor in Council may cause remaining land to be laid out in towns, &c.

15. After setting apart sufficient Land for all the persons who shall be entitled thereto under the said Contracts, it shall be lawful for the Governor in Council to cause Towns to be surveyed and laid out, and also Suburban and Rural allotments.

And to be disposed of according to regulations to be made by the Governor in Council.

16. All such Town, Suburban, and Rural Land shall be let, sold, occupied, and disposed of for such prices, in such manner, and for such purposes, upon such terms, and subject to such Regulations as the Governor in Council shall, from time to time, prescribe for that purpose.

Disposal of money of sale.

17. Money to arise from the sale and disposal of any Land under this Act shall be disposed of as the Governor in Council shall, from time to time, direct, for all or any of the following purposes—

- (1.) In defraying the expenses incident to the formation and laying out of Settlements, including the payment of any compensation which shall be payable under this Act.
- (2.) In repaying such portion of the expenses of suppressing the rebellion as shall be hereafter fixed by the General Assembly.
- (3.) In the construction of Roads, Bridges, Docks, Quays, Landing Places, Wharves, Piers, Public Buildings, and other Public Works within or in connection with Settlements formed under this Act, and in repayment of any Loans advanced for any such purpose.
- (4.) In establishing, endowing, and maintaining Public Schools and other Institutions.
- (5.) In promoting emigration from other places for the purpose of securing the efficient colonization of the said Settlements.

Provided always that all such money shall for the purposes of "The New Zealand Loan Act, 1856," be deemed and taken to be revenue arising from the disposal of Waste Lands of the Crown in the Colony of New Zealand, and shall be chargeable with the sum of money borrowed or raised under the authority of the said Act, and with interest thereon.

Commencement of Act

16. This Act shall not come into operation until Her Majesty's pleasure shall have been taken thereon, and the same shall have been confirmed by Her Majesty with the advice of the Privy Council, and a proclamation of such confirmation having been given shall have been made by the Governor of the Colony.

thereto to the payment of any Compensation which may be awarded by law to individuals for losses by the said rebellion. Provided always that all such money shall for the purposes of "The New Zealand Loan Act, 1856," be deemed and taken to be revenue arising from the disposal of Waste Lands of the Crown in the Colony of New Zealand, and shall be chargeable with the sum of money borrowed or raised under the authority of the said Act, and with interest thereon.