

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

House of Representatives,
2nd October, 1872.

1149

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

(Mr. Carrington.)

Taranaki New Zealand Company's Land Claims.

ANALYSIS.

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A BILL INTITULED

AN ACT to authorize Grants of Land in the Province of Taranaki to unsatisfied Claimants under the New Zealand Company's Land Orders.

WHEREAS on a petition from Edward John Sartoris and Edwin Henry Downe to the House of Representatives, and referred to a Select Committee of the said House, the said Committee did, on the fifteenth day of October, one thousand eight hundred and sixty-eight, recommend that the said petitioners and all other holders of unsatisfied New Plymouth Land Orders be allowed to select out of any lands then or thereafter declared open for sale or selection within the Province of Taranaki, subject only to the terms and conditions imposed by "The Land Orders and Scrip Act, 1858," as therein mentioned, and to any actually existing engagements between the Natives and the Colonial Government for the formation of a township at Opunake, and any further reserves which it may be necessary to make for the Natives: And whereas the rights or claims of Frederick Alonzo Carrington have been provided for by an Act of the last Session of the General Assembly, and it is expedient that provision should be made for extinguishing all other such claims in the said Province by orders to be exercised in the Province of Taranaki in the purchase of lands:

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 Taranaki New Zealand Company's Land Claims Act, 1872."

2. It shall be lawful for the Governor to issue to any such claimant as aforesaid land orders in the form in the Schedule hereto, which shall authorize such claimant to purchase, to an amount to be fixed in each case by a Commissioner or other officer not being a resident in the Province, to be appointed by the Governor in Council, any of the lands of the Crown in the Province of Taranaki 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 laws and regulations for the time being in force regulating the sale and disposal of such lands and the price at which such lands shall be sold, except only so far as such laws and regulations require payment for such lands to be made in money or cash: Provided however that the award of such Commissioner, whether accepted and acted on by the respective claimants or not, shall be deemed a final settlement of every claim whatever of such claimant in respect of the matters in the Preamble of this Act referred to, or in any way relating to his contract with the Plymouth Company of New Zealand, or with the New Zealand Company: Provided further that the right to make any such purchase shall be exercised within two years after the amount to be awarded to him respectively has been fixed in the manner aforesaid.

3. It shall be lawful for any such claimant to exercise such rights wholly at one time or from time to time (before the expiration

of the period aforesaid), and to purchase under such land order land in one or more parcel or parcels, and whenever the said land order shall be exercised by the purchase or selection of any such land as aforesaid, the said claimants shall, at the time when under the law in force regulating the sale of such lands they would be bound to pay 5 any deposit or purchase money if such purchase had been made under such law alone and not under this Act, produce such land order to the person to whom such deposit or purchase money would be payable, and such person shall thereupon note by indorsement on such land order the sum of money which would be payable by the said claimant 10 as such deposit or purchase money as aforesaid, and shall also give to the said claimant a receipt or certificate in the like form and to the like effect as the said claimant 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 claimant had paid such 15 sum so indorsed as aforesaid.

Provision in case of death of claimant.

4. In the event of the death of any such claimant heretofore or before the expiration of the period aforesaid, and before such land order shall be issued, or before the expiration of the period aforesaid and before such land order shall be fully exercised, such order may be 20 issued to or exercised as to the whole or the residue as the case may be by the executors or administrators of such claimant, or by any person appointed in writing for the purpose by him respectively, and in case of the issue of the said land order to any executor or administrator or to any person so appointed, the form thereof may be 25 altered to meet the circumstances of the case: Provided that the said order shall not in any case be exercised after the expiration of the period of ~~twelve months~~ two years aforesaid.

Right to make railway, &c., to be reserved.

5. In the grant or grants of any land selected or purchased by any claimant, there shall be reserved to Her Majesty the Queen such 30 part thereof as may be thought fit (not exceeding at the rate of five acres for every one hundred acres of any parcel of land so selected or purchased as aforesaid), for the construction through in or upon any part of the same land of any railway road or other work of public utility which may be constructed by or on behalf of Her said Majesty 35 or by the authority of the General Assembly: And no claimant shall be entitled to any compensation for or in respect of the construction of any such railway road or other work of public utility through in or upon any lands so reserved as aforesaid.

Interpretation.

6. The expression "lands of the Crown," when used in this Act, 40 shall include lands of the Crown subject to disposal under the laws and regulations for the time being in force in the Province of Taranaki regulating the sale of Waste Lands of the Crown within the said Province, not being lands taken under "The New Zealand Settlements Act, 1863," and the Acts amending the same, within the said Province. 45

Schedule.

SCHEDULE.

Governor.

In exercise of the powers in me vested by "The Taranaki New Zealand Company's Land Claims Act, 1872," I hereby authorize , of , to purchase to the 50 amount of [*Here insert the amount fixed by the Commissioner in the particular case*] pounds, any of the lands of the Crown in the Province of Taranaki open for sale or selection, without payment in cash therefor, subject however to the provisions in the said Act contained.

Dated the day of , 18 .

By Authority: G. DIBSBURY, Government Printer, Wellington.