

NEW ZEALAND.

ANNO VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

No. 8.

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AN ACT to enable the Governor to establish Settlements for Colonization in the Northern Island of New Zealand. Title.
[3rd December 1863.]

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 Preamble.

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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 :

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.** I. The Short Title of this Act shall be “The New Zealand Settlements Act 1863.”
- Governor in Council may proclaim Districts.** II. Whenever the Governor in Council shall be satisfied that any Native Tribe or Section of a Tribe or any considerable number thereof has since the first day of January 1863 been engaged in rebellion against Her Majesty’s authority it shall be lawful for the Governor in Council to declare that the District within which any land being the property or in the possession of such Tribe or Section or considerable number thereof shall be situate shall be a District within the provisions of this Act and the boundaries of such District in like manner to define and vary as he shall think fit.
- Governor in Council may set apart sites for settlements.** III. It shall be lawful for the Governor in Council from time to time to set apart within any such District 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.** IV. For the purposes of such settlements the Governor in Council may from time to time reserve or take any Land within such District and 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.** V. 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 since the 1st January 1863 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—

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- (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 or—
- (5.) Who on being required by the Governor by proclamation to that effect in the *Government Gazette* to deliver up the arms in their possession shall refuse or neglect to comply with such demand after a certain day to be specified in such proclamation.

VI. It shall be lawful for the Governor by proclamation to be published in the Maori as well as the English language to call upon any Native Tribes or individuals thereof who shall have been engaged in any of the offences specified in Section 5 of this Act to come in and submit to trial according to law on or before a certain day to be therein named and all who shall refuse or neglect to come in and submit themselves accordingly shall not be entitled to Compensation under this Act.

Persons not submitting deprived of compensation.

VII. Compensation shall be granted according to the nature of the title interest or claim of the person requiring compensation and according to the value thereof 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 4 as required for the purposes of this Act.

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

VIII. 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.

IX. It shall be lawful for the Governor in Council 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 to remove any such Judge.

The Governor in Council to appoint Judges.

X. 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.

XI. 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.

XII. 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.

XIII. It shall be the duty of the Colonial Secretary to transmit every claim under this Act which shall be received by

Colonial Secretary to transmit claims and Judges to hear them.

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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 Provided always that it shall be competent for the person making a claim to require that the amount of Compensation shall be determined by the award of two indifferent Arbitrators—one to be appointed in writing by the Claimant at the time of making his claim and the other by the Colonial Secretary or in case of their not agreeing in an award within two months from the time of the question being referred to them by the Colonial Secretary in writing then by the award of their Umpire to be chosen before they enter on the question and if no award shall have been made within three months from the time of such reference by the Colonial Secretary the amount of compensation shall be determined by the Court.

Certificates to be granted.

XIV. The Judge shall grant to every Claimant who shall 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.

Grantee of Certificate entitled to amount from Colonial Treasury.

XV. Such Certificate shall entitle the person in whose favor the same was granted to receive from the Colonial Treasurer the amount named in such Certificate as payable to him.

Towns &c. to be laid out on land subject to this Act for Military Settlers.

XVI. 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 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.

XVII. 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.

XVIII. 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.

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XIX. Money to arise from the sale and disposal of any Land under this Act shall be disposed of as the General Assembly shall direct in or towards the repayment of the expenses of suppressing the present insurrection and the formation and colonization of the Settlements including the payment of any Compensation which shall be payable under this Act and subject 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.

Disposal of proceeds
of sale.

XX. The several powers vested in the Governor and in 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 Superintendent of any Province with the advice and consent of the Provincial Council thereof 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.

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