



**NEW ZEALAND
GOVERNMENT GAZETTE.
PROVINCE OF NEW ULSTER.**

Published by Authority.

All Public Notifications which appear in this Gazette, with any Official Signature thereunto annexed, are to be considered as Official Communications made to those Persons to whom they may relate.

By His Excellency's Command,
ANDREW SINCLAIR, Colonial Secretary.

VOL. II. AUCKLAND, FRIDAY, JULY 20, 1849. No 16.

LEGISLATIVE.

Council Chamber,
20th July, 1849.

HIS Excellency the Governor-in-Chief directs it to be notified that the General Legislative Council of New Zealand will meet for the despatch of business at Auckland, on Wednesday, the 1st August next.

J. COATES,
Clerk of Council.

Council Chamber, Auckland,
July 20th, 1849.

HIS Excellency the Governor-in-Chief has been pleased to direct that the following Bill, and Abstract of an Ordinance, about to be introduced by His Excellency into the General Legislative Council of New Zealand, be published for general information.

J. COATES,
Clerk of Council.

CROWN TITLES BILL.

In the Thirteenth Year of the Reign of Her Majesty Queen Victoria.

Session . . . No.

ANALYSIS.

Title:
Preamble.

1. Grants made before passing hereof, declared to be valid.
2. Compensation to be made in case Native Title not fully extinguished.

3. Such Compensation to be payable out of General Revenue of Province.
4. Operation of certain Grants declared to confer on the Grantee a right of selection.
5. Right of Selection, how to be exercised.
6. Map and description of Boundaries to be endorsed on Grant.
7. Grant to be valid when endorsement shall have been signed by Governor.
8. In certain cases land may be taken in Exchange.
9. Value, how ascertained.
10. Ordinance not to come into operation until it receives Royal assent.

Title.

AN ORDINANCE for Quieting Titles to Land in the Province of New Ulster.

(Passed the day of)

Preamble.

WHEREAS since the Proclamation of Her Majesty's Sovereignty in and over the Islands of New Zealand, various Laws, Ordinances, Royal Letters Patent and Instructions, have from time to time been made and issued, relating to the disposal by the Crown of lands within the colony—prescribing the terms and conditions on which such lands should be alienated and disposed of—and limiting and appointing the power and authority of the Governor for the time being to make grants of the same in the name and on behalf of the Crown: *And whereas* during such period as aforesaid, numerous grants of land within the Province of New Ulster have been made in the name and on behalf of Her Majesty by the Governor, Lieutenant-Governor, or other the Officer administering the Government of the Colony for the time being: *And whereas* in many cases doubts are entertained whether such

Governor or other Officer was duly authorised and empowered to make such grants, in the name and on behalf of the Crown, and whether such grants were otherwise made in conformity with the Regulations for the time being in force in that behalf: And whereas numerous Grants of Land claimed under the provisions of the Land Claims Ordinance, Sess. 1, No. 2, have also been made, wherein the land of which the Grantee is recited to be entitled to a grant forms a part only of the whole quantity claimed to have been purchased by him from the aboriginal native owners, and is not particularly set forth and described in such Grant; and it is doubtful in point of law whether by reason of such uncertainty, any or what portion of land is validly conveyed by such Grants: And whereas certain cases have already been submitted to the Judgment of the Supreme Court, but it is essential to the prosperity of the Colony that such doubts should in all cases be removed with the least possible delay:—Now, therefore, for the more speedy removal of such doubts, and as far as may be in conformity with such Judgments, as aforesaid, and for the effectual quieting of Crown Titles, *Be it enacted* and declared by the Governor-in-Chief of New Zealand, with the advice and consent of the Legislative Council, that it shall be as follows:—

1. Grants made before passing hereof declared to be valid.

1. Every Grant of Land within the Province of New Ulster, sealed with the Public Seal of the Colony or Province, and made before the passing of this Ordinance, in the name and on behalf of the Crown, by the Governor, Lieutenant-Governor, or other the Officer administering the Government for the time being, shall be deemed and taken to be a good, valid, and effectual conveyance of the land purported to be conveyed by such Grant and of the estate or interest purported to be conveyed thereby as against Her Majesty, Her Heirs and Successors, and against all other persons whatsoever, and as if the same had been a valid Grant of the Demesne Land by the Crown—any Law, Ordinance, Custom, Usage, or Instruction to the contrary notwithstanding.

2. Compensation to be made in case Native Title not fully extinguished.

2. *Provided always*, and it is hereby further enacted that if at any time before the 1st day of January, 1851, it shall be proved to the satisfaction of a Judge of the Supreme Court that the Native Title to the land comprised in any such Grant hath not been fully extinguished, it shall be lawful for any such Judge to award to the Native Claimant or Claimants, proving title to the same (not being a party or parties to the original sale of such land) such sum or sums of money in satisfaction of the claim as to be substantiated as aforesaid, as shall appear to such Judge to stand with equity and good conscience.

3. Such Compensation to be payable out of General Revenue of Province.

3. All sums of money so to be awarded as aforesaid, shall be paid by the Colonial Treasurer,

on demand, to the person or persons in whose favor such award shall be made, and shall be payable out of, and be charged, and chargeable upon the General Revenue of the Province of New Ulster.

4. The operation of certain Grants to confer a right of Selection.

4. *And be it further enacted*, that until it shall be amended, as hereinafter provided, every such Grant as aforesaid which shall recite that the Grantee is entitled to receive a Grant of a specified quantity of Land, but which shall not set forth and describe the particular piece or parcel of land intended to be thereby conveyed, shall be deemed and taken to vest in and confer upon the said Grantee, his Heirs, and Assigns, the right of selecting out of the whole of the land included within the boundaries named in the Grant, the quantity of land to which he may be so recited to be entitled: *Provided always* that such right of selection shall be exercised before the 1st day of January, 1851, and that the particular portion of land so to be selected shall be in one block.

5. Right of Selection, how to be exercised.

5. Such right of selection, as aforesaid, shall be deemed to have been exercised by every such Grantee, his Heirs, and Assigns, so soon as he or they shall have furnished to the Surveyor-General a description in writing, particularly setting forth the boundaries of the land to be selected under the authority hereof, together with a map or plan of the same, which shall have been executed by a Surveyor, licensed by the Surveyor-General, and may be approved by that officer.

6. Map or Description of Boundaries to be indorsed on Grant.

6. It shall be the duty of the Surveyor-General, and he is hereby required to ascertain that the land so chosen forms part of the land reported by the Land Claims Commissioners to have been purchased from the natives, and if he shall be satisfied of the sufficiency of such map or plan, and description, to cause a copy of the same to be indorsed upon the Deed of Grant relating thereto, and to certify such description, by subscribing his name to the same.

7. Grant to be valid when endorsement shall have been signed by Governor.

7. It shall be lawful for the Governor, or other the Officer administering the Government of the Province, for the time being, to countersign such description. And every Deed of Grant so countersigned as aforesaid, shall be deemed and taken to be a good, valid, and effectual Conveyance of the land so described thereupon to the Grantee named therein as against her Majesty, her Heirs and Successors, and all other persons whatsoever.

8. In certain cases land may be granted in exchange.

8. *Provided always*, and it is hereby further enacted that in case the person or persons entitled to such right of selection shall meet with any serious obstruction in the exercise of the

same from any Native Claimant, it shall be lawful for the Governor, or other the Officer administering the Government of the Province for the time being, on being satisfied that peaceable possession of such land cannot be taken to Grant to the persons entitled to such right of selection other land, within the Province of equal value (not being town land,) which may have been offered for sale by Public Auction and which may have been selected by such person as aforesaid.

9. Value, how ascertained.

9. In every such case as aforesaid the value of the land so given up by such person shall be determined by two Appraisers, one to be appointed by such Governor or other Officer, and the other by the person entitled to such right of selection, and the value of the Land hereby authorised to be given in Exchange, shall be ascertained and determined by the upset price at which it may last have been offered for sale by public auction as aforesaid.

10. Ordinance not to come into operation until it receive Royal assent.

10. This Ordinance shall not come into operation until it shall have received the Royal Confirmation, and until such confirmation shall have been duly notified in the New Zealand Government Gazette.

A BILL to Regulate the Occupation of the Waste Lands of the Crown, in the Province of New Ulster.

1. Certain persons being Justices of the Peace to be appointed Commissioners of Crown Land.

2. Appointment and tenure of office.

3. Governor may make Rules for their guidance.

4. Power to Commissioners to hear and determine disputes.

5. Commissioners may award Damages not exceeding £20.

6. And may expel trespassers.

8. And may distrain for rent, &c.

9. And may charge a fee for his decision.

10. Fees to be paid into the Treasury.

11. Return of Stock to be made by owner.

12. Assessment to be levied on Stock.

13. Commissioner shall make yearly report to Treasurer of such assessment.

14. Notice to be given to the party liable to assessment.

15. Amount due to be recoverable by distress.

16. In case of non-payment license to be cancelled.

17. Right of Pasturage to be limited to persons holding a License.

18. License to be granted to an occupant.

19. License to be in force for one year.

20. Fee to be paid for license.

21. List of Licensed persons to be published in Government Gazette.

22. Persons comprised in such list to have exclusive right of pasturage.

23. And are to have the power of electing Wardens.

24. Commissioner to preside at Elections.

25. And to have casting vote.

26. Vacancies how to be supplied.

27. Wardens to have power to apportion, &c., cattle to be depastured.

28. Regulations made by Wardens to be published.

29. Failing an appointment by Wardens, Commissioner to have the power.

30. Power to Wardens to make Bye-Laws.

31. And to levy an assessment.

32. And to distrain for the same.

33. Accounts to be kept by Wardens.

34. Penalty on unlicensed persons depasturing cattle.

35. Power of Wardens to impound Cattle trespassing.

36. Persons occupying Crown Lands without License liable to penalty.

37. Penalty for a second offence.

38. Exception.

39. Right of the Crown saved.

40. Cattle Trespassing may be impounded.

41. In actions, suits, or proceedings under the Ordinance the proof that the occupation or use in question is authorised by Provisions of this Ordinance shall be on defendant.

42. Costs of Suit may be paid out of the Public Treasury.

43. Interpretation.

44. Commencement.

Schedules A. B. and C.

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