

Manawatu Land Orders Act 1877

Private Act 1877 No 69
Date of assent 30 November 1877

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An Act to provide for the Satisfaction of certain Land Orders issued by the New Zealand Company, and heretofore exercised in the Manawatu or Horowhenua Districts, within the aforesaid Company's Settlement of Wellington.

Preamble.

WHEREAS by the sixth section of "The Land Orders and Scrip Act, 1858," it is provided that within the Province of Wellington every holder of a land order originally selected within the block of sections laid out by the New Zealand Company at Manawatu shall be entitled to. retain the particular section selected whenever the Native title to the block' shall be extinguished; and also that every holder of a land order originally selected within any other block of sections laid out within the said province by the New Zealand Company, in districts not acquired from the Natives, shall likewise be entitled to retain the particular section selected whenever the Native title shall be extinguished, unless such section be reserved by the Superintendent, or be included in a Native reserve:

And whereas the Native title over the districts hereinabove referred to has been extinguished, but it is not in the power of the Government to give possession of the particular sections selected to the original purchasers thereof, or to the persons claiming under them, for the reason that some of such sections are included in Native reserves, and others of such sections have been adjudged by the Native Land Court to be the individual property of certain Natives:

And whereas it is fitting that other provisions should now be made for the immediate satisfaction of all land orders in the above partly recited sixth section mentioned or intended to be referred to; and also that compensation should be made to the respective original holders of the said land orders, or to the persons now claiming under them, for the loss they have suffered by being kept so long out of possession of the land they were entitled to by virtue of such land orders:

Be it therefore enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1 Short Title.

The Short Title of this Act shall be “The Manawatu Land Orders Act, 1877.”

2 Repeal.

The sixth section of “The Land Orders and Scrip Act, 1858,” is hereby repealed.

3 Enactments incorporated.

The Ordinance of the Legislative Council of the Islands of New Zealand, Session XI., No. 15, intituled “An Ordinance to ascertain the Contracts and Engagements entered into by the New Zealand Company for the Disposal of certain Lands in the Islands of New Zealand, and to provide for the Completion of such Contracts and Engagements by the Colonial Government,” and the Act of the General Assembly intituled “The Lost Land Orders Act, 1861,” are hereby incorporated with this Act, and this Act shall be read as if the provisions of the aforesaid Ordinance and Act respectively had been enacted in this Act.

4 Claimants to apply for hearing.

Every person claiming land within the Provincial District of Wellington under any land order originally issued by the New Zealand Company, and which has been heretofore exercised in the Manawatu or Horowhenua Districts, shall, within twelve months from the passing of this Act if he be resident in the colony, and within two years from the passing thereof if he be resident elsewhere, give notice in writing, by himself or his agent, to the Commissioner appointed for the District of Wellington under the above-named Ordinance of the Legislative Council (hereinafter called “the Commissioner”) for the hearing and decision of his claim under the provisions of this Act.

5 Procedure Lost land orders.

For the purposes of this Act the Commissioner aforesaid shall be a Commissioner under “The Lost Land Orders Act, 1861;” and in all matters relating to any investigation or inquiry under this Act, the Commissioner shall proceed in manner provided, *mutatis mutandis*, by the Ordinance and Act above men-

tioned in the third section of this Act, except where in this Act is otherwise provided.

6 Land orders to be surrendered.

Every original or derivative claimant shall, at the time of making his application for the satisfaction of his claim, lodge with the Commissioner the original land order under which he claims to be entitled to select any section of land, unless the land order under which he claims shall previously have been lodged with the said Commissioner. No claim shall be heard and determined by the Commissioner until the original land order under which such claim is made is lodged with him, or proof of the loss of such land order is given to his satisfaction.

7 Report to the Governor.

As soon as conveniently may be after hearing and deciding any claim under this Act, the Commissioner shall make a report thereof to the Governor; and in such report the Commissioner shall state the name of the person he shall have found to be entitled to land under any particular land order, the particular number of such land order, the fact of such land order having been lodged with him or of his having received satisfactory proof of the loss thereof, and the amount in value stated in such land order.

8 Scrip to be issued with compensation added.

Every such report shall be considered by the Governor in Council, and if approved in Council shall be forthwith published in the *New Zealand Gazette*, with the date of the Governor's approval in Council attached thereto. Every such notification of the Governor's approval of any report by the Commissioner shall be a sufficient warrant and authority to the Commissioner to issue, to the persons named in such approved report as being entitled to land, scrip for the amount of money originally paid for the land order under which any such persons have been found to be entitled, together with compensation to the amount of one pound for every one pound sterling represented by such land order, added there to; so that every person found by the Commissioner to be entitled shall receive two pounds in value for every twenty shillings in value to which he shall have been found entitled, except in cases of lost land orders provided for by section five.

9 Land orders to be cancelled.

No scrip shall be delivered by the Commissioner under the last foregoing section to the person entitled thereto, until the land order in satisfaction of which such scrip is issued has been cancelled by the Commissioner, by writing or stamping on the face of such order "Cancelled under 'The Manawatu Land Orders Act, 1877,'" with his signature and the date of cancellation added thereto.

10 Scrip to be in extinguishment of title to land.

Upon the receipt of such scrip, all right, title, interest, claim, and demand of the person to whom the same shall have been issued, and of all other persons whatsoever, to the land in respect of which scrip shall have been issued, shall be extinguished. And the issue of such scrip by the Commissioner, on behalf of the New Zealand Government, shall be deemed, both at law and in equity, a full and complete performance by the Crown, on behalf of the New Zealand Company, of the contract or obligation of the said Company in respect of which such scrip shall have been issued as aforesaid.

11 Scrip to be exercised within five years.

All such scrip to be issued under the authority of this Act shall be transferable, and shall be received as cash by the Receiver of Land Revenue in or towards the purchase of waste lands of the Crown in any part of the Provincial District of Wellington, but not elsewhere, and shall be exercised within five years from the date of its issue. All claims for the exercise of scrip not made within such period of five years shall be barred.

12 Claimants barred unless application made in time.

It shall not be lawful for the Commissioner to entertain or investigate any claims in which the claimant shall not have notified his intention to have his claim heard and decided under the provisions of this Act within the time limited in section four of this Act for making such application. All claimants failing to avail themselves of the provisions of this Act shall be barred, and their claims shall be extinguished by reason of such default.

13 Act to be advertised in London.

For the purpose of giving due publicity to this Act, and to all claimants affected by the same, a notification of the provisions of this Act relating to notices to be given, compensation awarded, and time limited for the exercise of scrip issued hereunder, shall be published in the London *Times* newspaper, or in such other newspaper in London and in such manner as the Secretary for Crown Lands shall appoint.