

*Hon. Mr. Reid.*

## Special Contracts Confirmation.

ANALYSIS.

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Preamble.  
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2. Governor may fulfil contracts, &c., and issue grants in certain cases.  
Schedule.

A BILL INTITULED

AN ACT to authorize the Governor to complete certain unfulfilled engagements relating to Land, and for that purpose to issue Crown Grants in certain cases. Title.

WHEREAS verbal and written promises have from time to time been made to give pieces or parcels of land to Natives, who have thereupon in some cases occupied the land so promised to them, and erected buildings thereon, and in other cases have alienated the said lands and received full money consideration for the same from parties dealing with such Natives in good faith: And whereas during the course of years certain complications in respect of confiscated lands and exchanges thereof, and in respect of the sale, exchange, and grants of other lands of the Crown have arisen, and the same cannot be settled without special authority of law: Preamble.

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 Special Contracts Confirmation Act, 1877." Short Title.

2. It shall be lawful for the Governor at any time to fulfil any contract, promise, or engagement in relation to the cases enumerated in the Schedule to this Act, and every Crown grant made and issued in any such case in conformity with any such resolution as aforesaid shall be deemed to be legally made and issued. Governor may fulfil contracts, &c., and issue grants in certain cases.

## Schedule.

## SCHEDULE.

## I. PROMISES TO NATIVES.

1. Tareha te Moananui. Napier Harbour, Section No. 606, Gough Island,  $\frac{1}{2}$  acre.  
[In the purchase deed of Ahuriri, part of Gough Island, where the bones of Tareha's ancestors were buried, was to be secured to him so long as not required by the Crown; and the fishery of pipis, &c., on the flats in the harbour was not to be interfered with. The reclamation works have swallowed up the island and buried the flats. Tareha has lost his home and his fishery. In 1874 Sir Donald McLean gave his autograph directions that a  $\frac{1}{2}$  acre on Pakaki Island should be laid off inalienably for Tareha. The above is the section selected. Authority required for making the grant.]
2. Karaitiana Takamoana. Napier Town, Section 555,  $\frac{1}{2}$  acre.  
[In 1866 Sir Donald McLean, then Superintendent, gave leave to Takamoana to occupy and erect a building on a spot of land, then outside the Town of Napier, for the use of himself and his people when coming to Napier. Takamoana has occupied ever since. A substantial house, now called "Karaitiana's Club," has been built on the section. Meanwhile the town has crept out and surrounded the section. Takamoana, fearing to be dispossessed, applied to Sir Donald McLean, who gave autograph directions in 1874 for the section to be laid off for Karaitiana, pending the sanction of the Assembly.]
3. Raihi te Toroa-atui. Waikato, Lot No. 150, Tamahere, 319 acres.  
[In 1875 the claimant, generally known as Rice, was promised the land by Mr. Mackay acting on behalf of Sir Donald McLean. The Civil Commissioner (Mr. Kemp) affirms it, and Mr. Mackay acknowledges it, as also does Sir Donald McLean. Rice, with the consent of Sir Donald and Mr. Mackay, parted with the land to an European (Leslie), receiving full value for it. Leslie wishes to register the conveyance, and that Rice's title to the land may be registered also, and therefore asks for the issue of grant.]
4. Harete Hikairo. Waikato, Komokorau Parish, 100 acres.  
[The daughter of a rebel, but not herself a rebel; she is the wife of a Native Assessor. On 9th March, 1870, Sir Donald McLean directed that the claimant should have 100 acres, and the land was pencilled off on a plan at the time in the presence of Under Secretary Mr. Clarke. The direction of Sir Donald McLean is autograph. The grant could not heretofore be issued for want of survey. Authority is required for its issue.]
5. Aihepene Kaihau. West Waiuku, Lots Nos. 462, 463, 464, 469, Te Toro,  $\frac{1}{2}$  acre each.  
[On the sale of the Awhitu Block, Mr. Ligar promised an acre of land to claimant at a village to be laid out at the Karaka Point, Manukau. This promise was included in a list of reserves made some years ago. The land promised is no longer available, and the claimant agrees to accept the above sections in lieu of the original acre. The above lots were selected for claimant by Major Heaphy.]
6. Hori Tauroa and others. Waiuku, Dragging-place Reserve, about 2 acres, for several parties.  
[Major Heaphy says there is no doubt as to the existence of a promise to make this reserve. A portion of it has been sold to the Bishop of Auckland for a church, and has been dealt with by "The Waiuku Church of England Site Crown Grant Act, 1876," No. 12; and the land now in question for the claimants was the subject-matter of a petition in the same year. The Committee recommended the grant, and that a Bill should be prepared authorizing its issue. See App., 1876, Vol. II., I. 4, page 4.]
7. Erueti Tamaikowha. Opotiki, Lots 56 and 57,  $\frac{1}{2}$  acre each.  
[At the time peace was made, Major Mair promised the claimant a piece of land at Whakaroe, in Ohiwa; but the land at that place having been reserved for a separate tribe, the claimant was promised land elsewhere. The Resident Magistrate (Mr. Brabant) selected the two above sections, which the claimant, who is a chief the Urewera, has agreed to accept.]

## II. CASES IN CONNECTION WITH CONFISCATED LANDS.

1. Campbell, Peter. Patea, 10 acres 2 roods, Manutahi, originally part of Section 350.  
[The claimant was granted 50 acres of Lot 350 as a military settler, and a boundary road divided his land from the 10-acre piece. The road led to a Native reserve adjoining the section, but not being suitable, arrangements were made for diversion of the road, Campbell obtaining in exchange the old road bounding his section. He applied to be allowed to purchase the 10 acres now adjacent, and the land being valued at £5, he has paid £52 10s. for the land; but there is no warrant for the sale or the issue of the grant in force at present.]
2. Kershaw, Philip. Okotuku, Wellington, 10 acres.  
[A wounded pensioner for the defence of Turu Turu Mokai claims to be awarded land the same as the other defenders. Protracted absence, and consequent ignorance of an award having been made to them, is the plea for delay in application. The military authorities admit his claim to be just.]
3. Kyngdon, C. M. Urenui Town Belt, 11 acres 2 roods 20 perches.  
[The claimant, an officer of the Native Contingent, was allotted land through which it was required to take a road, and the above lot was given in exchange. The arrangement was made by the Superintendent, but was afterwards approved by the Native Minister, and Kyngdon was left in occupation. The title to Kyngdon was not made before the authority for making it expired. Authority is now required for a grant.]

4. Mrs. Kyngdon. Urenui Township, 2 roods 5·8 perches, Section 96, and part of Blind Road.

[The claimant is mother of the foregoing, and, as his assign, has been in occupation of the land referred to above. When the Urenui Bridge was finished it was found requisite to take a road through her land, as offering the most available approach. She has given the land and requires the above section in exchange, together with the closed end of a *cut-de-sac* road that leads only to her own property. The road has been constructed through her land; but she has received nothing in exchange, failing the authority to make a grant of the land she requires, which does not amount to  $\frac{1}{4}$  of an acre.]

5. Riddiford, Fredk. Waihi, Patea District, Sections 71 and 81, 101 acres 2 roods 10 perches.

[See Preamble, "Chubbin's Land Purchase Act, 1875," No. 47. This application ought to have been included in the Act of 1875; Riddiford was under the impression that it would be so included, but by some inadvertence his claim was not considered when Chubbin's was. The features in this case are identical. Riddiford purchased the sections in question from Chubbin, who had bought them from the Natives to whom they were awarded; but Chubbin could not give Riddiford a title, as he could not acquire a title for himself by reason of the death of the awardees. The land was subsequently acquired by Government, and Riddiford has been in occupation, and asks, in terms of the above Act, to pay £2 an acre and to get a grant, as, on the faith of his original purchase, he has spent large sums in fencing and cultivating artificial grass.]

6. Stewart, Vesey. Tauranga, Katikati Settlement, 10,000 acres.

[On 24th June, 1874, the then Secretary of Crown Lands, the Hon. Mr. O'Rorke, agreed with Mr. Vesey Stewart to set apart the aforesaid block of land for capitalist farmers to be introduced by Stewart for the purpose of occupying the said land, with stipulations that, subject to conditions to be fulfilled by such occupiers, they would receive Crown grants for the same. The agreement so made was in excess of any powers existing in law at the time the contract was entered into. It is required that the contract should be ratified *ab origine*, and authority be given for issue of grants, in conformity with the stipulations of the contract. See Appendix, 1874, D. 1A, page 19.]

7. Vincent, Charles, Representatives of. Wellington, Okotuku Block.

[The deceased, having obtained a lease of 600 acres of flax land, erected a mill, established a rope-walk, and effected other improvements on the land. Difficulties arose as to the user of the land; much of the flax on the land was destroyed, and the mill was at a standstill, and all the outlay was threatened. The deceased petitioned the House in 1874, and the Committee recommended the Government to make careful inquiries into the case with a view to a fair settlement being arrived at as speedily as possible. An officer appointed for the purpose recommended that the deceased should be permitted to purchase, at upset price, a particular section of 359 acres in the Okotuku Block, in satisfaction of all claims for compensation, with power to the Crown, at any time within five years, to make a road or railroad through the section without compensation. The deceased accepted the arrangement, and a Bill was introduced to give it effect in 1875; but the Bill did not pass, there being some difficulty about the section selected. It is proposed that the representatives of the deceased be allowed, on the same terms as above stated, to select any one section, not exceeding 400 acres, in the Okotuku Block, that may be available for the purpose, and that a grant may be issued for the section so selected on payment of the upset price thereof.]

### III. CASES IN CONNECTION WITH CROWN LANDS.

1. Canterbury. Part of Road, Governor's Bay.

[F. Beechy having conveyed land to Superintendent for a road, sold land with frontages to the road. The road has been erroneously laid off, and does not run on the line conveyed by Beechy; and purchasers from Beechy are deprived of their road frontages, and threaten to sue Beechy. To repair this mischief, without altering the road, it is suggested that an exchange be made, Beechy getting back his original land, and he conveying to the Queen the land whereon the road now runs. Authority for the grant to Beechy of his original land is required.]

2. Hawke's Bay. Woodville, Rural Sections Nos. 21, 163, 164.

[H. R. Holder, in 1865, bought 68 acres at 10s. in the Tarawera District, and the land bought by him was inadvertently sold and granted to a third party in 1870. After the lapse of eleven years claimant values his original land at £4 per acre, and proposes to take, in the Seventy-Mile Bush, two acres for one of his original purchase, at the upset price of £2 an acre, paying cash for excess of acreage. He has selected as above; the Land Board approve the arrangement and recommend its adoption. Claimant, for these selections, will have to pay £9 in cash for excess of acreage.]

3. Nelson. Motueka District, losses by inundation.

[A number of settlers having had their lands completely destroyed or rendered useless by floods, and being threatened with immediate ruin, the Land Board of Nelson recommended that any settler whose land has been destroyed should be allowed to select an equal acreage, free of cost, in any land open for sale or selection in the land district of Nelson. Each person so selecting to release to Her Majesty his destroyed land. Authority is required to issue grants for the lands so selected, on the above terms and condition.]

Waimea East, portion of Section No. 83.

[Land having been purchased under authority of "The Telegraph Act, 1865," it was found to be more in area than was required for telegraph purposes, and the Commissioner sold the surplus (the land above stated) by private contract to one John J. Taylor. There is no authority in the Act for such sale; but it having been made, and money received on account, authority is required to validate the sale and to authorize the transfer of the land.]

## 4. Otago. Outram, half an acre.

[Mrs. Turpin, a widow of industrious habit, with a large young family, owned five sections in Outram, and a house thereon. The whole were washed away, and she lost her all. The neighbours contributed funds for the erection of a house for her if a site could be found. She was permitted to erect a house on a piece of land which was intended to have been occupied as a cemetery, but which has not been used, and is not likely to be required for that purpose. Authority is now required to make a grant to her of half an acre, inclusive of the land whereon her house is now built, on same terms as the Motueka settlers in Nelson, hereinbefore mentioned.]

## 5. Southland.—Stewart's Island, Free Grants under "The Otago Settlements Act, 1871."

[The above-named Act, authorizing special settlements in Stewart's Island, was to be proclaimed in force by the Superintendent of Otago, but this was never done. Many persons, with the sanction of the Land Board of Southland, took up land on the island, and have resided there some years, improving the land and building houses. They have fulfilled the conditions that would have entitled them to land under the Act had it been proclaimed. The Board recommend the grants to be made. Required the authority for grants, according to length of residence and nature of improvement, to be made to such persons recommended by the Board as have settled and improved the land.]

## 6. Taranaki. Inglewood Township, Pre-emption of Sections at Upset Price.

[In 1875, immigrants flocked into New Plymouth in greater numbers than could be housed in the district. The Superintendent permitted such immigrants, as chose to do so, to occupy for three years, rent free, quarter-acre sections at Inglewood, promising a right to pre-emption of same at upset price, on condition of continued occupation by the immigrants, and of their erecting cottages on the section occupied. These conditions having been complied with by some two and twenty immigrants, the Land Board recommend the purchase to be sanctioned, and grants to be issued to all who have complied accordingly.]

## 7. Taranaki. Moa Block, 1,900 acres Special Settlement.

[See Appendix, 1876, Vol. II., I. 6, page 30. The Public Petitions Committee recommend that the contract made in this case with Jones and McMillan should be carried out, although the contract was beyond the power of the Superintendent who entered into it. Since that time the parties have expressed their willingness to buy the land at once, and pay cash for the same, and the Land Board approve and recommend that they be permitted to buy. Authority is required to complete the sale and to authorize issue of grants.]

## 8. Wellington. Wanganui River, left bank, 150 acres at Upokongaro.

[Award of the then New Zealand Company's Commissioner Sir F. Bell, in favour of J. Nixon, on claim for special compensation for the Utetaonga Creek. The Commissioner made the award in February, 1854, and recommended it for confirmation by the Government. The Government of the day referred it to the Select Committee of the House of Representatives in 1854 on the New Zealand Company's debt. The Committee had no time to entertain the case before their proceedings were interrupted by prorogation. The Committee not having reported on the case, the Government thought itself precluded from giving a decision in the matter, and so the case has been suspended for twenty-three years. The Hon. Mr. Fox, in 1856, recognized the claim, and informed Nixon that the Crown grant would be issued, whereupon Nixon sold the land. The grant has not been issued, and now it is found that present interests are jeopardized from absence of original title.]