

*Land for Compensation (Nelson and Marlborough.)*

18. Nothing in this Act contained shall be deemed or construed to affect or interfere with the operation of "*The New Zealand Loan Act, 1856.*"

This Act not to affect "*The New Zealand Loan Act, 1856.*"

19. The apportionment of the said debt specified in the said Schedule to this Act between the said Provinces of Nelson and Marlborough shall in no way affect or interfere with the security for the said debt created by the Act of the Superintendent and Provincial Council of Nelson, Session V., No. 1, but the said security shall have the same force and effect as regards the holders of debentures issued under the authority of the said Act as if the Province of Marlborough had continued to form a portion of the said Province of Nelson, and "*The New Provinces Act, 1858,*" and this Act had not been passed.

Security given to holders of debentures not to be affected by apportionment.

SCHEDULE.

THE sum of twenty-nine thousand pounds authorized to be raised by an Ordinance of the Superintendent and Provincial Council of the Province of Nelson, (Session V., No. 1,) intituled "*An Act to authorize the Superintendent of the Province of Nelson to raise a Loan not exceeding Twenty-nine thousand Pounds by the issue of Debentures.*"

No. XXVI.

AN ACT to provide Compensation in Land for certain Persons named in "*The Compensation in Land Act, 1858,*" of the Provincial Council of Nelson, on account of Damages arising from Breach of Contract by the New Zealand Company.

LAND FOR  
COMPENSATION  
(NELSON AND  
MARLBOROUGH).

[2nd November, 1860.]

[Reserved for Her Majesty's assent. Assented to, *New Zealand Gazette*, 4th July, 1861, No. 32.]

WHEREAS by a Bill passed by the Provincial Council of Nelson, intituled "*An Act to authorize the Superintendent to purchase Crown Lands for certain Persons as Compensation for Damages sustained by them by reason of the Non-fulfilment of certain Contracts made by the New Zealand Company,*" it was enacted that it should be lawful for the Superintendent to purchase, out of the public revenues of the Province, for and in the name of each of the several persons whose names are inserted in the Schedules to the said Bill annexed, waste land of the Crown in the Province of Nelson to the value of the sums specified in the Schedules wherein such names are included respectively, as compensation for all damages sustained by such persons in consequence of the non-fulfilment of the contracts aforesaid: And whereas the assent of the Governor was withheld from the aforesaid Bill: And whereas it is just that such of the said persons as have valid claims as aforesaid should receive compensation in land in respect of the same out of the Crown lands of the Provinces of Nelson and Marlborough:

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 Land for Compensation (Nelson and Marlborough) Act, 1860.*"

2. It shall be lawful for the Governor to appoint a Commissioner or Commissioners not exceeding three in number to investigate and report

Short Title.

Power to Governor to appoint Commissioners to investigate

*Land for Compensation (Nelson and Marlborough).*

and report upon the validity of claims for compensation.

report upon the validity of the claims of the persons aforesaid, and every Commissioner so appointed shall have power to summon all necessary witnesses and to examine them on oath on all matters touching the claims aforesaid: Provided always that no such investigation as aforesaid shall take place with respect to the claims of any such persons to compensation in land within the Province of Marlborough until the assent of the Provincial Council and Superintendent thereof to such investigation and compensation as provided by this Act shall have been signified to the Governor, nor shall any such compensation as aforesaid be made in respect of the claim of any such person within either of the Provinces of Nelson or Marlborough until the assent of the Provincial Council and Superintendent of the Province in which such compensation is proposed to be granted shall have been signified to the report of the Commissioner or Commissioners awarding the same: Provided also that it shall not be lawful for the Commissioner or Commissioners to entertain the claim of any person, his heirs or assigns, to compensation under this Act, unless the name of such person is contained in one of the Schedules annexed to the said Bill passed by the Provincial Council of Nelson, intituled "*An Act to authorize the Superintendent to purchase Crown Lands for certain Persons as Compensation for Damages sustained by reason of the Non-fulfilment of certain Contracts made by the New Zealand Company.*"

Power to Governor to make free grants of land to persons entitled to compensation.

3. When the Commissioner or Commissioners shall have reported to the Governor that any one of the said persons was at the time of the passing of the said Bill entitled to compensation, it shall be lawful for the Governor to make a free grant to such person, his heirs or assigns, of a parcel of land out of the Crown lands of the Province either of Nelson or Marlborough aforesaid, within the territory comprised in which such person was at the passing of the said Bill habitually resident: Provided always that the land to be included in any such grant shall in no case exceed in value the amount specified in the Schedule annexed to the aforesaid Bill of the Provincial Council of Nelson in which the name of such person is contained.

Such land to be taken as compensation for all losses or damages sustained in consequence of non-fulfilment of New Zealand Company's contracts.

4. All such lands shall be taken by the persons aforesaid as compensation for all losses or damages sustained by them in consequence of the non-fulfilment by the New Zealand Company of their contracts, and on the terms and conditions (except the single one of payment of the purchase money) upon which Crown lands are sold in the Provinces aforesaid, under the regulations for the sale and disposal of the waste lands of the Crown in force within the said Provinces respectively at the time of the coming into operation of this Act: Provided always that no land shall be granted under the authority hereof which is affected by any contract of the Crown, nor after the expiration of two years from the coming into operation hereof.

No land to be granted affected by any contract of the Crown, nor after the expiration of two years from the passing of this Act.  
Commencement of Act.

5. This Act shall not come into operation until Her Majesty's pleasure shall have been taken thereon, and the same shall have been confirmed by Her Majesty, with the advice of her Privy Council, and a Proclamation of such confirmation having been given shall have been made by the Governor or person administering the Government of New Zealand.