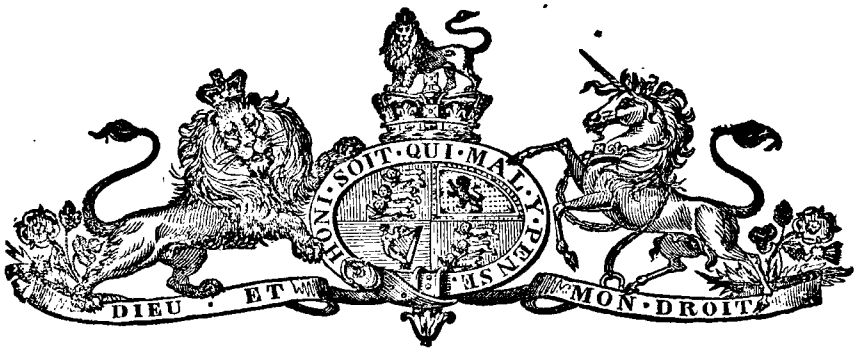


ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

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CAP. LXXXVI.

An Act to regulate the Affairs of certain Settlements established by the *New Zealand* Company in *New Zealand*. [7th *August* 1851.]

WHEREAS certain Terms of Purchase and Pasturage of Land in the Settlements of *Wellington*, *New Plymouth*, *Nelson*, and *Otago*, in *New Zealand*, had been issued by the *New Zealand* Company before the Fourth Day of *July* One thousand eight hundred and fifty, and the said Terms, or Part of them, were in force on that Day as Contracts between the *New Zealand* Company and the Settlers of the said Settlements of *Wellington*, *New Plymouth*, and *Nelson*, and the Association of Lay Members of the Free Church of *Scotland*, commonly called the *Otago* Association, respectively: And whereas by an Act of the Tenth and Eleventh of *Victoria*, intituled *An Act to promote Colonization in* New Zealand, *and to authorize a Loan to the* New Zealand *Company*, it was enacted, that if the Directors of the *New Zealand* Company should give Notice to One of Her Majesty's Principal Secretaries of State, within Three Calendar Months next after the Fifth Day of *April* One thousand eight hundred and fifty, by any Instrument under the Seal of the Company, that they were ready to surrender the Charters of the said Company to Her Majesty, 10 & 11 Vict. c. 112.

and all Claim and Title to the Lands granted or awarded to them in the said Colony, all the Powers and Privileges of the said Company, except such as should be necessary for enabling the Directors to receive the several Sums of Money therein-after mentioned, and to distribute the same among the Shareholders and other Persons entitled thereunto, and for enabling the Directors to adjust and close the Affairs of the Company, should cease and determine, and all the Lands, Tenements, and Hereditaments of the said Company in the said Colony should thereupon revert to and become vested in Her Majesty as Part of the Demesne Lands of the Crown in *New Zealand*, subject nevertheless, amongst other things, to any Contracts which should then be subsisting in regard to any of the said Lands: And whereas such Notice as aforesaid was duly delivered by the Directors of the said Company on the Fourth Day of *July* One thousand eight hundred and fifty; and thereupon, under the Provisions of the last-recited Act, all the Lands, Tenements, and Hereditaments of the said Company in the said Colony reverted to and became vested in Her Majesty as Part of the Demesne Lands of the Crown in *New Zealand*, subject nevertheless as by the said Act is provided: And whereas it is expedient that Provision should be made for enabling Her Majesty to amend and alter the Provisions contained in such Terms of Purchase and Pasturage as aforesaid: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Notice by the New Zealand Company.

Power to Her Majesty to make Regulations for the Management of the Affairs of the Settlements of Wellington, New Plymouth, and Nelson, in New Zealand.

I. That it shall be lawful for Her Majesty, anything in the said Act contained notwithstanding, by Instructions under Her Signet and Sign Manual, or through One of Her Principal Secretaries of State, from Time to Time to make, or to authorize the Governor of *New Zealand* or the Lieutenant Governor of any Province in which any of the said Settlements is or shall be situate, to make, Terms and Regulations for the Sale or other Disposal of the Demesne Lands of the Crown within the said Settlements of *Wellington*, *New Plymouth*, and *Nelson*, provided always, that the Price at which the said Lands within the said Settlements are now authorized to be sold under such Terms shall not be altered thereby, and for the Disposal of the Monies which may be derived from such Sale or other Disposal of the said Lands for the Benefit of the Inhabitants of the said Settlements respectively, and for the closing and Determination of the Affairs of the said Settlements, and to empower such Governor or Lieutenant Governor to fix and ascertain the Boundaries of the said Settlements of *Wellington*, *New Plymouth*, and *Nelson* respectively.

II. And

Fund held on behalf of the New Zealand Company for the public Purposes of the Settlement of Nelson to be vested in the Commissioners of the Treasury.

II. And whereas the *New Zealand* Company have issued from Time to Time certain published Terms or Conditions for the Disposal of Land in the Settlement of *Nelson* in *New Zealand*, by which it was, among other things, provided that the Land of the said Settlement should be sold for certain Prices, and that the Fund to be derived from such Sale should be appropriated in certain Proportions to the Purposes of Emigration and the Supply of Labour, of founding and maintaining the Settlement, of religious and educational Uses, and of Steam Navigation, and other public Objects: And whereas many Persons have purchased Land under the said Terms or Conditions in the Settlement of *Nelson*, and Funds may have accumulated from the Monies invested in such Purchases, which have not as yet been applied to the Purposes aforesaid: And whereas the *New Zealand* Company did by its Agents and Officers superintend and manage these Funds until the Fourth Day of *July* in the Year One thousand eight hundred and fifty: And whereas, in consequence of such Notice as is herein-before mentioned to have been given by the Directors of the said Company on the Day last aforesaid, the Lands of the said Company in *New Zealand* reverted to the Crown as aforesaid, upon the Condition (amongst others), as expressed in the said recited Act of the Tenth and Eleventh of *Victoria*, of satisfying any Liabilities to which the said Company might then be liable under their existing Engagements with reference to the Settlement at *Nelson*: And whereas, before the Day last aforesaid, a certain Sum of Twenty-five thousand Pounds had been invested by the said Company in the Names of *Henry Aglionby Aglionby* Esquire of the *Middle Temple*, *Alexander Currie* Esquire of *Saint John's Wood*, *James Robert Gowen* Esquire of No. 187, *Piccadilly*, *George Lyall* junior, Esquire, of *Winchester House*, and *Jeremiah Pilcher* Esquire, of *Morgan's Lane*, to be held by them in trust for the said Company in the Three *per Cent.* Consolidated Bank Annuities, in order to satisfy the Amount applicable by the said Company under the said Terms to the Purposes in question; but the total Amount so applicable had not been ascertained, and was then and still is in dispute between the said Company and the Purchasers of Land at *Nelson*: And whereas it is expedient that Provision should be made to enable Her Majesty to ascertain the Amount of the Sum so applicable, and to entrust the Administration of the Fund, when so ascertained, to certain Persons who have been nominated for that Purpose by or on behalf of the said Company and the said Purchasers of Land at *Nelson*: Be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury and they are hereby directed to ascertain the Sum (if any) which remained due and applicable by the *New Zealand* Company, and which the said Company were bound to apply to the

the Purposes above mentioned, on the Fourth Day of *July* in the Year One thousand eight hundred and fifty aforesaid; and that the said Sum of Twenty-five thousand Pounds, with the Interest which shall have accrued on the same, shall be vested in the Commissioners of the Treasury as a Fund for the public Purposes of the Settlement of *Nelson;* and that the said *Henry Aglionby Aglionby*, *Alexander Currie*, *James Robert Gowen*, *George Lyall*, and *Jeremiah Pilcher* shall and they are hereby authorized to transfer the said Sum and Interest into the Names of the Commissioners of the Treasury, or such Person or Persons as the said Commissioners shall nominate for that Purpose, and that the same shall be disposed of by the said Commissioners in the Manner herein-after provided; and that if the Amount which may be found by the Commissioners of the Treasury to be due and applicable to the said Purposes shall exceed the said Sum of Twenty-five thousand Pounds, with Interest as aforesaid, the Surplus necessary to complete such Amount shall remain a Liability attaching on Her Majesty with reference to the Settlement of *Nelson* in manner as in the said Act of the Tenth and Eleventh of *Victoria* is expressed; but that if the Amount so due and applicable shall be found to fall short of the said Sum of Twenty-five thousand Pounds, with Interest as aforesaid, then the Balance shall remain in the Hands of the Commissioners of the Treasury for the Purpose of discharging other Liabilities of the *New Zealand* Company which Her Majesty may have become bound to satisfy under the said last-mentioned Act.

Board of Trustees at Nelson appointed to administer the said Fund.

III. That a Board of Seven Trustees shall be and the same is hereby appointed for the Administration of the said Fund, including such Surplus (if any) as aforesaid, Three of whom shall form at any Time a Quorum for the Despatch of Business; and that it shall be lawful for the Commissioners of the Treasury, in such Manner as they shall appoint, to pay over or cause to be paid over the said Sum of Twenty-five thousand Pounds, with such Interest as aforesaid, or so much thereof as may be found due and applicable as aforesaid, and any additional Sums which may be found due and applicable as aforesaid, to the said Trustees; and that when such Sum or Sums shall have been so paid over as aforesaid all further Liability of Her Majesty or of the *New Zealand* Company in respect of such Fund and of the Amount applicable as aforesaid by the Company shall cease.

Powers of the Trustees to dispose of the Funds for public Purposes.

IV. That the said Trustees shall have Power to dispose of the said Fund for the Benefit of the Settlement of *Nelson* to the Purposes of Emigration and the Supply of Labour, of religious and educational Uses, of Steam Navigation, and of the Construction and Maintenance

Maintenance of public Works, in such Proportions, as to each of the said Purposes, as to them shall seem expedient.

Mode of conducting Business by the said Trustees.

V. That the First Meeting of the said Trustees shall be fixed at a Time and Place to be appointed by Proclamation by the Governor of *New Zealand*, or by the Lieutenant Governor of the Province in which *Nelson* is or shall be situate, being authorized thereto by the said Governor, and that such Trustees may from Time to Time pass Resolutions for appointing the Time and Place of holding further Meetings for the Despatch of Business, and for making Rules and Regulations for the Conduct of such Business, and for other necessary Purposes towards enabling them to dispose of and distribute the said Fund according to the Purposes of this Act: Provided always, that the Legislature of *New Zealand* shall have Power to alter such Regulations, by Laws to be made from Time to Time, subject to the Conditions by Law required in respect of the Acts and Ordinances of such Legislature.

Names of the First Trustees.

VI. That Doctor *David Monro*, *Samuel Stephens*, *William Oldfield Cautley*, *Francis Dillon Bell*, *Francis Jollie*, *Alfred Fell*, and *John Waring Saxton*, Esquires, being the Persons already nominated for this Purpose by or on behalf of the Land Purchasers of *Nelson* and the *New Zealand* Company, shall be and the same are hereby appointed the First Trustees for the Administration of the said Fund.

Duration of their Office.

VII. That the said Trustees shall remain in Office (subject to the Provisions herein-after contained as to the filling up of Vacancies) until the First Day of *January* One thousand eight hundred and fifty-five.

Provisions for filling up Vacancies, establishing an Audit, and continuing the Trust.

VIII. That it shall be lawful for the Legislature of *New Zealand*, by Laws to be made from Time to Time, subject as to such Conditions as aforesaid, to provide for the filling up of Vacancies which may have occurred or may occur by the Death or Resignation of either of the Trustees named in this Act, by Election to be made by the Owners, or Owners and Occupiers, of Land in the Settlement of *Nelson*, with such Qualification or Restriction as may in such Laws be specified, and to provide in like Manner for the annual Election of Two or more Auditors to audit the Accounts of the said Trustees, and for the due Publication from Time to Time of such Accounts, and for the Discharge of the Trustees from any personal Liability in respect of the said Funds; and in case the said Fund shall not have been wholly disposed of before the First

Day of *January* in the Year One thousand eight hundred and fifty-five, to provide in like Manner for the Election of Seven new Trustees, to continue in Office for Three Years, subject to the like Power as herein-before contained as to the filling up of Vacancies, and so on from Time to Time until the said Fund shall be wholly expended for the Purposes above mentioned.

Authority to Legislature of the Province in which Nelson is situated to exercise any of the Powers hereby granted to it.

IX. That it shall be lawful for the Legislature of *New Zealand*, by Enactment, subject to such Conditions as aforesaid, to authorize the Legislature of the Province in which *Nelson* is or may be situate to exercise all or any of the Powers by this Act granted to the said Legislature of *New Zealand* in reference to the said Fund.

As to Cases falling within Section 53 of 9 & 10 Vict. c. cccIxxxii. Grants of the Crown to be of the like Force as Conveyances by the New Zealand Company.

X. That henceforth in all Cases falling within the Provisions of the Fifty-first Section of an Act of the Ninth and Tenth of *Victoria*, intituled *An Act to grant certain Powers to the* New Zealand *Company* a Grant or Conveyance by Her Majesty, Her Successors or Assigns, shall have the like Force and Effect in all respects as a Conveyance by the *New Zealand* Company has or would have had by virtue of the same Act in case no such Notice as aforesaid had been given and the said Company had continued in the full Exercise of their Functions; and the Powers by the same Act in reference to those Cases conferred on a Nominee or Nominees of the said Company, approved of as therein mentioned, shall henceforth be exercisable by such Person or Persons as the Governor or Lieutenant Governor for the Time being of *New Zealand* may from Time to Time appoint; and that all Acts done in pursuance of any such several Powers by the Party or Parties for the Time being entrusted with the Execution thereof shall be binding on Her Majesty, Her Successors and Assigns.

Saving of the Rights of the New Zealand Company under 10 & 11 Vict. c. 112.

XI. Provided always, That nothing herein contained shall be construed to affect or interfere with the Rights of the *New Zealand* Company in respect of the Sum of Two hundred and sixty-eight thousand three hundred and seventy Pounds Fifteen Shillings, and Interest, which by the said Act of the Tenth and Eleventh of *Victoria* are charged upon and to be paid to the said Company out of the Proceeds of all future Sales of the Demesne Lands of the Crown in *New Zealand*, after such Deductions as in the said Act specified, or any Rights which the said Company may now possess in regard to the Proceeds from the Disposal of Land in either of the said Settlements.

Interpretation of Terms.

XII. That the Words "Governor of *New Zealand*" and "Lieutenant Governor" in this Act shall be deemed respectively to

to mean the Persons for the Time administering the general Government of the Islands of *New Zealand* or the Government of any Province thereof.

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