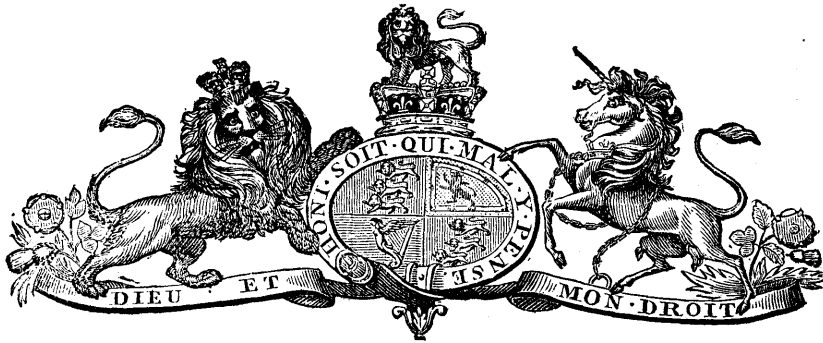


NEW ZEALAND.



TRICESIMO SECUNDO ET TRICESIMO TERTIO

VICTORIÆ REGINÆ.

No. X.

ANALYSIS.

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| <p>Title.
Preamble.
1. Short Title.
2. The Governor to be deemed to have obtained within the meaning of "The Gold Fields Act 1866" power to authorize mining for gold on land described in certain agreements entered into between Natives and</p> | <p>the Governor or James Mackay junior for the Governor and such agreements to be binding.
3. Daniel Pollen's Proclamation of 30th July 1867 validated.
4. John Williamson's Proclamations validated.
5. Claims taken up under Regulations validated declared valid.
Schedules.</p> |
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AN ACT to remove Doubts as to the Validity of certain Proclamations and Agreements relating to a certain District known as the Auckland Gold Fields. Title.
[27th July 1869.]

WHEREAS by "The Gold Fields Act 1866" it is provided that in the construction and for the purposes of the said Act the words "Crown Lands" shall be construed to mean and include not only the Demesne Lands of the Crown in New Zealand but also all other land whatever over which the Governor shall by lease agreement or otherwise have obtained power to authorize gold mining thereon Preamble.

And whereas by the third section of the said Act it is provided that it shall be lawful for the Governor from time to time by Proclamation to constitute any portion of the Colony to be a Gold Field under the provisions of the said Act and it is by the said third section provided that whenever any district shall have been proclaimed a "Gold Field" the same shall be subject to the provisions of the said Act but private lands shall be exempt from the operations of the said Act except where special provision to the contrary is made therein

And whereas on or about the twenty-seventh day of July one thousand eight hundred and sixty-seven by an agreement or instrument in writing purporting to be made between certain Native Chiefs therein named of the one part and Sir George Grey Knight

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Commander of the Most Honorable Order of the Bath Governor of New Zealand on the other part it was witnessed that the said parties to the said instrument consented to give over to Sir George Grey as Governor of New Zealand and to the Governors of New Zealand who should succeed him the land described in the first Schedule hereto and being within the Province of Auckland for gold mining purposes within the meaning of "The Gold Fields Act 1866" from the first day of August one thousand eight hundred and sixty-seven for and during such time as the Governor should require the land for mining purposes

And whereas on the twenty-seventh day of April one thousand eight hundred and sixty-seven the Governor in Council by an instrument under his hand and the Public Seal of the Colony in exercise of the power vested in him in that behalf by the said Act did delegate unto John Williamson Esquire as Superintendent of the Province of Auckland all the powers vested in him under or by virtue of the said Act with certain exceptions therein specified to exercise the said powers within the Province of Auckland so long as he should be Superintendent of the said Province and no longer

And whereas on the thirtieth day of July one thousand eight hundred and sixty-seven the Honorable Daniel Pollen then being Deputy Superintendent of the said Province did in the absence of the said John Williamson from the said Province by an instrument in writing under his hand published in the Auckland Provincial Government *Gazette* and purporting to be a Proclamation proclaim that he did constitute and appoint the said block of land described in the said first Schedule hereto to be a Gold Field under the provisions of the said Act And whereas the said Daniel Pollen held no delegation from the Governor of his powers under the said Act but supposed that as Deputy Superintendent of the said Province the delegation granted as aforesaid to the said John Williamson devolved upon him during the absence of the Superintendent from Auckland

And whereas on the seventh day of August one thousand eight hundred and sixty-seven the said John Williamson by an instrument in writing under the hand of the said John Williamson but not under the Public Seal of the said Province and published in the Auckland Provincial Government *Gazette* on the seventeenth day of August one thousand eight hundred and sixty-seven after reciting that the Governor had by agreement obtained power to authorize mining for gold on the land thereafter described did constitute and appoint the block of land therein described being the land described in the said first Schedule hereto to be a Gold Field under the said Act

And whereas on the twenty-second day of August one thousand eight hundred and sixty-seven the said John Williamson by Proclamation under the hand of the said John Williamson and the Public Seal of the said Province of Auckland and published in the Auckland Provincial Government *Gazette* on the twenty-seventh day of August one thousand eight hundred and sixty-seven proclaimed and declared that the Rules and Regulations thereafter set out and contained should on and from the first day of September next be the Rules and Regulations of the Gold Fields in the Province of Auckland And whereas on or about the ninth day of November one thousand eight hundred and sixty-seven by an agreement or instrument in writing it was witnessed to the effect that the chiefs and people of the Ngati-tamatera Tribe therein mentioned did release or give over to Sir George Grey Governor of New Zealand and the Governors who should succeed him all their lands described in the said instrument being land within the Province of Auckland for gold-mining purposes within the meaning of "The Gold Fields Act 1866"

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And whereas on the twentieth day of November one thousand eight hundred and sixty-seven the said John Williamson by Proclamation under the hand of the said John Williamson but not under the Public Seal of the said Province and published in the Auckland Provincial Government *Gazette* on the twenty-first day of November one thousand eight hundred and sixty-seven after reciting the said Proclamation made by the said John Williamson on the seventh day of August one thousand eight hundred and sixty-seven and that it was expedient that the boundaries of the said Gold Field so proclaimed by the said Proclamation of the seventh day of August one thousand eight hundred and sixty-seven should be extended did proclaim that he did thereby revoke the said Proclamation and that he did constitute and appoint all the block of land in the District of Hauraki in the Province of Auckland therein and in the second Schedule hereto described to be a Gold Field under the provisions of "The Gold Fields Act 1866"

And whereas on or about the ninth day of March one thousand eight hundred and sixty-eight by an agreement or instrument in writing purporting to be made between certain Native Chiefs therein named of the one part and Sir George Ferguson Bowen as Governor of New Zealand or James Mackay junior for and on behalf of the said Sir George Ferguson Bowen as such Governor on the other part it was witnessed to the effect that the said parties to the said instrument consented to give over to Sir George Ferguson Bowen as Governor of New Zealand and to the Governors of New Zealand who should succeed him the land described in the said agreement being land within the Province of Auckland for gold-mining purposes within the meaning of "The Gold Fields Act 1866" for and during such time as the Governor should require the said land for mining purposes

And whereas on the fourteenth day of April one thousand eight hundred and sixty-eight the said John Williamson by Proclamation under the hand of the said John Williamson but not under the Public Seal of the said Province and published in the Auckland Provincial Government *Gazette* on the sixteenth day of April in the same year after reciting the said Proclamation made by the said John Williamson on the twentieth day of November and that it was expedient that the boundaries of the said Gold Field so proclaimed by the said Proclamation of the twentieth day of November should be extended did proclaim that he did thereby revoke the said Proclamation of the twentieth day of November and that he did constitute and appoint all that block of land in the District of Hauraki in the Province of Auckland therein and in the third Schedule hereto described to be a Gold Field under the provisions of "The Gold Fields Act 1866"

And whereas on the fourteenth day of April one thousand eight hundred and sixty-eight the said John Williamson by Proclamation under his hand only and not under the Public Seal of the said Province and published in the Auckland Provincial Government *Gazette* on the sixteenth day of April one thousand eight hundred and sixty-eight after reciting amongst other things that the said John Williamson had by the said Proclamation of the fourteenth day of April one thousand eight hundred and sixty-eight constituted the said block of land described in the third Schedule hereto a Gold Field did make the Regulations set forth in the said Proclamation for the said Gold Field constituted by the said Proclamation of the said fourteenth day of April one thousand eight hundred and sixty-eight and did thereby order and declare that the same should come into operation within the said Gold Field on and after the twentieth day of April one thousand eight hundred and sixty-eight

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And whereas on or about the thirteenth day of May one thousand eight hundred and sixty-eight by an agreement or instrument in writing purporting to be made by the chiefs and people of the Ngatiporou Tribe on the one part and Sir George Ferguson Bowen Governor of New Zealand of the other part it was witnessed to the effect that the chiefs and people parties to the said instrument or agreement did consent to release or give over to Sir George Ferguson Bowen Governor of New Zealand and the Governors who should succeed him certain lands in the said instrument or agreement described being land within the Province of Auckland for gold mining purposes within the meaning of "The Gold Fields Act 1866"

And whereas on the sixteenth day of May one thousand eight hundred and sixty-eight the said John Williamson by Proclamation under the hand of the said John Williamson but not under the Public Seal of the said Province and published in the Auckland Provincial Government *Gazette* on the eighteenth day of May one thousand eight hundred and sixty-eight after reciting that the Governor had by agreement obtained power to authorize gold mining on the block of land described therein and in the fourth Schedule hereto did proclaim that he did constitute and appoint all that block of land to be a Gold Field under the provisions of "The Gold Fields Act 1866"

And whereas it is expedient that the said Proclamations Rules and Regulations should be validated

And whereas since the entering into of the said agreements the Native title over certain parts of the land described or referred to therein has by proceedings in the Native Lands Court been extinguished and Certificates of Title or Crown Grants of such parts have been obtained And whereas it is probable that the Native title over other parts of such lands may hereafter be extinguished by proceedings in such Court and Certificates of Title or Crown Grants of such other parts may hereafter be obtained And whereas doubts have been raised whether such agreements so entered into as aforesaid by or on behalf of the Governor have been or will be extinguished or affected by the Native title being extinguished over such land or by the obtaining of Certificates of Title or Crown Grants of such land And whereas it is expedient to remove such doubts

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows—

Short Title.

1. The Short Title of this Act shall be "The Auckland Gold Fields Proclamations Validation Act 1869."

The Governor to be deemed to have obtained within the meaning of "The Gold Fields Act 1866" power to authorize mining for gold on land described in certain agreements entered into between Natives and the Governor or James Mackay junior for the Governor and such agreements to be binding.

2. The said agreements hereinbefore recited or referred to shall respectively be deemed from the making thereof to have been and to be valid and to have been and to be binding on all persons whatsoever according to the true intent and meaning thereof respectively and the Governor shall from the making thereof respectively be deemed within the meaning of "The Gold Fields Act 1866" to have obtained power to authorize gold mining on the land described in referred to or affected by such agreement and every such agreement shall continue in full force and operation for and during such time as may be expressed therein notwithstanding that the Native title may have been or may hereafter be extinguished over the land described in referred to or affected by such agreement or any part of such land and notwithstanding that a Certificate of Title to or Crown Grant of such land or any part thereof may have been obtained under "The Native Lands Act 1865" or any Act amending the same and the land described in referred to and affected by any such agreement shall during the continuance in force thereof be deemed for all the

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purposes of "The Gold Fields Act 1866" so far as mining purposes for gold is concerned but not further or otherwise to be Crown Lands and not private lands Provided that whenever the Governor shall by Proclamation published in the *New Zealand Gazette* declare that the land described or referred to or affected by any such agreement or any part thereof is not subject to the provisions of "The Gold Fields Act 1866" then the land proclaimed thereby shall thereupon subject to the proviso next contained cease to be subject to such agreement Provided however that no right title or interest acquired or created during the continuance in force of such agreements or any of them shall be in any manner prejudiced or affected by any such Proclamation as last aforesaid.

3. The Proclamation or instrument purporting to be a Proclamation made and issued by Daniel Pollen on the thirtieth day of July in the year one thousand eight hundred and sixty-seven and published in the *Auckland Provincial Gazette* on the said thirtieth day of July is hereby declared to have been from the making thereof as valid and effectual as if at the time of the making and publication thereof there had been delegated in due form of law to the said Daniel Pollen all the powers and authorities which by "The Gold Fields Act 1866" the Governor is empowered to delegate and as if such instrument had been a Proclamation duly and formally made and published under such delegated authority.

Daniel Pollen's
Proclamation of 30th
July 1867 validated.

4. The Proclamations or instruments purporting to be Proclamations specified in the fifth Schedule hereto made respectively on the days mentioned in the said Schedule by John Williamson then being Superintendent of the Province of Auckland and respectively published in the *Auckland Provincial Government Gazette* on the days mentioned in the said Schedule are hereby respectively declared to have been in as full force and effect from the time of the publication thereof in the said *Gazette* unless any other time is expressed therein respectively and in such case from the time expressed therein as if the same had respectively been duly and formally made and published notwithstanding that the same may not have had the Public Seal of the said Province or any seal attached thereto and notwithstanding the omission of any formality whatever and notwithstanding that the same may have been made by the said John Williamson whilst absent from his Province and the same shall be deemed to have continued in operation until cancelled varied or altered by any other of the said instruments or Proclamations hereby validated or until cancelled varied or altered by any instrument or Proclamation to be hereafter made under the said Act by the Governor or his delegate.

John Williamson's
Proclamations
validated.

5. Any claims right title or interest acquired or purporting to have been acquired under any Rules or Regulations validated hereby and before the passing of this Act in or with respect to any land mine or minerals within the boundaries set forth in the first second third and fourth Schedules hereto which would have been valid in law if the Proclamations Rules and Regulations validated hereby had been valid from their commencement and the Governor had previously by lease agreement or otherwise obtained power to authorize mining for gold on such land shall be deemed to have been and to be as valid in law as such claim right title or interest would have been if such Proclamations Rules and Regulations had been valid at and from the time of the publication thereof and as if the agreements hereinbefore mentioned had within the meaning of "The Gold Fields Act 1866" at the respective dates thereof and thence continuously conferred on the Governor the power to authorize mining for gold on such land.

Claims taken up
under Regulations
validated declared
valid.

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Schedules.

SCHEDULES.

FIRST SCHEDULE.

ALL that block of land commencing on the sea coast at the mouth of the River Kauwaeranga thence by that river to the junction of the Kakaramata Stream thence by that stream to its source on the ridge of the hills thence along the said ridge to the sources of the Hape Karaka Waiotahi Moanataiari and Kuranui Streams turning thence down the Kuranui Stream to the sea coast thence by the sea coast to the mouth of the Moanataiari Stream thence inland to the base of the hills thence crossing the Waiotahi Stream and by the base of the hills to the Parareka Spur thence ascending the said spur to Waiowhariki thence descending a spur to the Karaka Stream thence by that stream to the sea coast thence by the sea coast to the point of commencement.

SECOND SCHEDULE.

ALL that block of land commencing on the North at Tuapo on the shore of the Hauraki Gulf thence by a survey line to the summit of Ruahine thence by a survey line cut along the ridge to the summit of Hauturu thence by a survey line along the range dividing the Rivers Manaia and Waikawau to Pongawhakauro thence to the source of the River Waikawau thence along the watershed range between the Hauraki Gulf and East Coast to the source of the River Kauwaeranga or Waiwhakaurunga thence to the source of the River Hihi thence to the source of the Kirikikiri thence down that river to the point where it is intersected by a survey line thence by that line to Pataua thence by a survey line to Matene's boundary on the River Waiwhakaurunga thence up the bed of that river to a point to the eastward of Pukemahangarua thence by a line to the ridge dividing the waters of the Waiwhakaurunga from those of the Mangarehu Stream thence by that ridge to its junction with the main range thence by the range leading most directly to the source of the Hape Stream thence by a ridge to the source of the Kakarimata Stream thence by that stream to its junction with the River Waiwhakaurunga thence by that river to its mouth thence by the sea coast to the point of commencement.

THIRD SCHEDULE.

ALL that block of land commencing on the North at Tuapo on the eastern shore of the Hauraki Gulf thence by a survey line to the summit of the Ruahine Hill thence by a survey line along the range of hills dividing the Rivers Manaia and Waikawau to Pongawhakauro thence to the source of the River Waikawau thence on the East by the range of mountains forming the watershed between the Gulf of Hauraki and the East Coast and between the Valley of the Thames or Waihou and the East Coast to the source of the Omaha Stream thence on the South by that stream to the south-eastern extremity of the Native reserve on the West by the eastern boundary of the said Native reserve to Kakarimata thence by a public road and ditch to the River Waiwhakaurunga thence by that river to the sea thence by the sea coast to the point of commencement.

FOURTH SCHEDULE.

ALL that block of land commencing on the North at Cape Colville thence by the East Coast at Harakeke thence by the watershed range between Kennedy Bay and Whangapoua to Te Tapuae range thence by the watershed range between the East Coast and Hauraki Gulf to the source of the River Waiau thence by the watershed range between the Waiau and Manaia Rivers to Maungakawa thence by a public road to Te Poka on the shore of Coromandel Harbour thence by the sea coast to the point of commencement.

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FIFTH SCHEDULE.

Instrument.	Date of Making.	Date of Publication in the Auckland Provincial Government <i>Gazette.</i>
Proclamation of Gold Field Proclamation of Rules and Regulations under "The Gold Fields Act 1866"	Seventh of August 1867 ... Twenty-second of August 1867	Seventeenth of August 1867. Twenty-seventh of August 1867.
Proclamation of Gold Field	Twentieth of November 1867	Twenty-first of November 1867.
Proclamation of Gold Field Proclamation of Rules and Regulations under "The Gold Fields Act 1866"	Fourteenth of April 1868 Fourteenth of April 1868	Sixteenth of April 1868. Sixteenth of April 1868.
Proclamation of Gold Field Proclamation of Regulations for granting Mining Leases	Sixteenth of May 1868 Twenty-ninth of October 1868	Eighteenth of May 1868. Twenty-ninth of October 1868.

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