

Appendix

Confiscation Legislation in
New Zealand

Compiled by Richard Boast

1863

New Zealand Settlements Act 1863 (27 Vict No.27). Parent statute which allowed the governor to proclaim districts that had been 'in rebellion' and then to set apart within such districts 'eligible sites for colonization'; persons owning land taken were entitled to compensation except those 'engaged in levying or making war or carrying arms' against the Crown (s.5); the Act established Compensation Courts (s.8).

Section 2:

Whenever the Governor in Council shall be satisfied that any Native Tribe or Section of a Tribe or any considerable number thereof has since the first day of January 1863 been engaged in rebellion against Her Majesty's authority it shall be lawful for the Governor in Council to declare that the District with which any land being the property or in the possession of such Tribe or Section or considerable number thereof shall be situate shall be a District within the provisions of this Act and the boundaries of such District in like manner to define and vary as he shall think fit.

Section 3:

It shall be lawful for the Governor in Council from time to time to *set apart* within any such district *eligible sites for colonization* and the boundaries of such settlements to define and vary [emphases added].

Section 4:

For the purposes of such settlements the Governor in Council may from time to time reserve or take any Land within such District and such Land shall be deemed to be Crown land freed and discharged from all Title Interest or Claim of any person whomsoever as soon as the Governor in Council shall have declared that such Land is required for the purposes of this Act and is subject to the provisions thereof.

Section 5. Compensation was payable except to any person:

(1.) Who shall since the 1st January 1863 have been engaged in levying or making war or carrying arms against Her Majesty the Queen or Her Majesty's forces in New Zealand
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