

R E P O R T

BY

M R. F E N T O N

RESPECTING

NON-SITTING OF COMPENSATION COURT

AT

T A U R A N G A.

PRESENTED TO BOTH HOUSES OF THE GENERAL ASSEMBLY, BY COMMAND
OF HIS EXCELLENCY.

WELLINGTON.

1867.

REPORT BY MR. FENTON

RESPECTING NON-SITTING OF COMPENSATION COURT, AT TAURANGA.

Copy of a Letter from Mr. FENTON to the Hon. J. C. RICHMOND.

SIR,—

Compensation Court Office, Auckland, 29th July, 1867.

I have received your letter of the 23rd July instant asking me to furnish the Government with a statement of the reasons on account of which no sitting of the Compensation Court has ever been held in the Bay of Plenty District, adding that it does not appear that a notice of the period for preferring claims to compensation was ever fixed by the Court in terms of the eleventh section of "The New Zealand Settlements Amendment and Continuance Act, 1865." In reply, I have the honor to state that Courts have been held for the district named, in the usual manner, and the notification alluded to was duly made, as required by the Act quoted. You will find it published in the *Gazette* of 13th April, 1866.

I am led to believe that the name of the district about which you wish to inquire has been erroneously written, and that the district to which you would allude is Tauranga. I will therefore reply to your letter as regarding that district.

There is only one reason, that I am aware of, why Compensation Courts have not been held for the Tauranga District, viz.: that no claims have been preferred to the Court by the Colonial Secretary, as required by the thirteenth section of "The New Zealand Settlements Act, 1863." The Court has no power to sit of its own motion and has no jurisdiction until claims are referred, as above stated, and this has not been done.

With reference to the absence of the notice of the period to prefer claims, I beg to call your attention to the dates of the several instruments. The Order of Council bringing "The New Zealand Settlements Act, 1863," to bear on the Tauranga District of 240,000 acres, was made on the 18th May, 1865, under that Act the period for sending in claims for compensation is fixed at six months. On the 30th of October, at which time the whole period of six months, except twelve days, had elapsed, "The New Zealand Settlements Amendment and Continuance Act, 1865," was passed, which enacted that in lieu of the period of six months fixed by the Act of 1863, the period should be such a time as should be fixed by the Court—not less than three months, nor more than six months. But before the passing of this Act was known to me or the Native claimants, the full period of six months had expired, and all claims had been, or should have been, sent to the Colonial Secretary. Had the Court fixed any further period it would have enlarged the time beyond six months, which it had no power to do. In my judgment all the claims that can legally be sent in as of right, were in the possession of the Government on the 18th of November, 1865.

I have, &c.,

F. D. FENTON,
Senior Judge.

The Hon. the Native Minister, Wellington.

