

## New Zealand.



### ANALYSIS.

Title.	
1. Short Title.	10. Future disposal of pastoral and pastoral-agricultural lands.
2. After passing of this Act no dedication or grant of a right-of-way by user presumed or allowed as against Crown or public bodies.	11. Deferred payment selectors may hold up to 640 acres.
3. Entry upon lands for purpose of survey.	12. Perpetual lease may be exchanged for deferred-payment license.
4. Trigonometrical station sites deemed to be reserved.	13. Exchanges of tenure not permitted of lands acquired after the passing of this Act.
5. Payment of purchase-moneys for cash or at auction.	14. Village-settlement lands to be open for selection under Amendment Act. Exception.
6. Payment of thirds to local authorities to be made quarterly.	15. Licenses for kauri-gum digging. Restriction as to forest lands.
7. Residence on swamp-lands and on perpetual leaseholds dispensed with.	16. Further provisions as to Nelson leases.
8. Price of forfeited lands to be subject to approval of Minister.	17. Constitution of Land Boards.
9. Pastoral lands to be classified.	18. Commissioners of lost land orders.
	19. Outlying islands annexed to Southland Land District.

1888, No. 17.

AN ACT to amend the Land Acts.

[28th August, 1888.]

BE IT 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 is “The Land Acts Amendment Act, 1888.” It shall be read together with “The Land Act, 1885” (hereinafter referred to as “the principal Act”), and “The Land Act Amendment Act, 1887” (hereinafter referred to as “the Amendment Act”).

2. After the passing of this Act no dedication or grant of a right-of-way shall be presumed, or allowed to be asserted, or established as against the Crown, or as against any person or body holding lands in trust for any public purpose, and this whether in proceedings instituted by or on behalf of the Crown or not, by reason only of user, whether such user commenced before or after the passing of “The Land Act, 1885,” or any Act or regulations repealed by that Act:

Provided that nothing herein contained shall affect the rights of any party in any action commenced before the passing of this Act.

3. Sections eight and nine of the principal Act are hereby repealed and the following substituted in lieu thereof:—

The Surveyor-General, or any person authorised by him,—

(1.) May enter from time to time, during the daytime, upon any land, with such assistants as he thinks fit, for the purpose

Title.

Short Title.

After passing of this Act no dedication or grant of a right-of-way by user presumed or allowed as against Crown or public bodies.

Entry upon lands for purpose of survey.

of making any survey which he is authorised to make, and may fix or set up thereon trigonometrical stations, survey pegs, marks, or poles; or for the purpose of inspecting any such survey or station, or of altering, repairing, moving, or removing any trigonometrical station, survey peg, mark, or pole; and

- (2.) May do all things necessary for such survey in accordance with existing regulations, or for any inspection, repair, or alteration thereof.

Before entry, the Surveyor-General, or person authorised as aforesaid, shall, when practicable, give reasonable notice to the owner or occupier of the land of the intention to enter thereon, and shall, if required by such owner or occupier, produce and show the authority under which he claims to enter, or has entered, on such land.

Trigonometrical station sites deemed to be reserved.

4. The land on which any trigonometrical station is situate, together with a right-of-way to and from the same, shall, for the purposes of survey, be deemed and taken to have been and to be reserved from sale, and excepted out of any grant of the land on which the same is situate.

Payment of purchase-moneys for cash or at auction.

5. All payments for land sold for cash shall be made as provided by section thirteen of the Amendment Act, and all payments for land sold at auction shall be also made as far as may be in accordance with the provisions of the said section.

In subsection two of section fifty of the principal Act, the words "one-fifth" and "four-fifths" are hereby inserted in the place of the words "one-fourth" and "three-fourths" respectively; and the words "thirty days" are inserted in lieu of the words "two months."

The first paragraph of section ninety-four of the principal Act is hereby repealed.

Payment of thirds to local authorities to be made quarterly.

6. Every Receiver of Land Revenue, from time to time as he shall receive the same, shall pay into a deposit account the aliquot parts of all rents and purchase moneys for land which, under any law for the time being in force, are made payable to any local authority; and, on the first day of the months of February, May, August, and November in each year, shall, on the certificate of the Commissioner of Crown Lands that he has approved the works whereon such money is intended to be expended, pay the money accrued from the deposit of such aliquot parts to the local authority entitled thereto by cheque to be signed by himself, and countersigned by the aforesaid Commissioner, and not otherwise.

Failing such certificate in any case, the money intended to have been paid thereon shall continue at deposit, to be paid on the quarter day first occurring after the receipt of the Commissioner's certificate as aforesaid.

A receipt signed in manner authorised by law by or on behalf of any local authority to whom is paid any money as aforesaid shall be a sufficient discharge to the Receiver for paying the same.

Residence on swamp-lands and on perpetual leaseholds dispensed with.

7. The Board may, under sections one hundred and fifteen and one hundred and forty-eight of the principal Act, dispense with personal residence on swamp-lands, in the same manner as on bush-lands; and at the commencement of section twenty-one of the Amend-

ment Act, after the words "bush-lands," there shall be inserted the words "or swamp-lands;" and, after the words "Part V. thereof," there shall be inserted the words "and any holder of a perpetual lease under section one hundred and forty-eight of the said Act."

8. Section one hundred and twenty-two of the principal Act is hereby amended by the omission of the words "but at a price not less than the original upset price, exclusive of the estimated value of the improvements," and the substitution in lieu thereof of the following: "subject to the approval of the Minister, on the recommendation of the Board."

Price of forfeited lands to be subject to approval of Minister.

9. The Governor may cause all rural lands in the colony which are wholly or partly suited for pastoral purposes, and whether or not occupied as runs, to be classified into—

Pastoral lands to be classified.

- (1.) Pastoral lands, being lands suitable exclusively for pasturage, and not capable of being used with profit in areas of less than five thousand acres;
- (2.) Pastoral lands as aforesaid, but suitable for subdivision as small runs into areas not exceeding five thousand acres; and
- (3.) Pastoral-agricultural lands, being lands adapted in part for pasturage and in part for agricultural purposes, but suitable for subdivision in areas not exceeding five thousand acres.

For the purpose of such classification the Governor may from time to time appoint three Commissioners in any district, of whom the Chief Surveyor of the district shall be one, to report to him upon any rural lands in the district on which the Governor may require such Commissioners to report, and the said Commissioners shall furnish to the Governor accordingly a description of the boundaries of the land within such district on which they may be required to report as aforesaid, classified by them as pastoral and pastoral-agricultural land respectively, which description shall be submitted to the Board and published in the *Gazette*.

10. Lands classified as above mentioned may be disposed of as follows; that is to say,—

Future disposal of pastoral and pastoral-agricultural lands.

- (1.) Pastoral lands in areas exceeding five thousand acres may be disposed of for occupation for any term certain, but not exceeding twenty-one years in any case, as runs under Part VI. of the principal Act, and the provisions of section one hundred and seventy thereof shall not apply thereto;
- (2.) Pastoral lands in areas not exceeding five thousand acres may be dealt with in accordance with Part VI. of the principal Act;
- (3.) Pastoral-agricultural lands may be disposed of under the principal Act and the Amendment Act in such manner as the Governor shall from time to time appoint by notification in the *Gazette*.

11. Sections one hundred and seven and one hundred and thirteen of the principal Act are hereby amended by the substitution of the words "six hundred and forty acres," in lieu of the words "three hundred and twenty acres," where the latter occur therein respectively.

Deferred-payment selectors may hold up to 640 acres.

From and after the passing of this Act any person not disqualified, may apply and hold land on deferred payment, under Part III. of the principal Act, to any extent not exceeding a total area of six hundred and forty acres, in one or more contiguous selections.

Perpetual lease may be exchanged for deferred-payment license.

12. Any holder of land on perpetual lease under Part IV. of the principal Act, who acquired such land previous to the passing of this Act, may exchange his lease for a license to hold the same land on deferred payments under Part III. thereof by a written application to the Board for such purpose, and delivering up his lease.

If the Board is satisfied that the applicant has heretofore satisfactorily fulfilled the conditions of his lease they may cancel his former lease and issue to the applicant a license to occupy the same land as a selector on deferred payments, subject as follows:—

- (1.) The price to be paid for the land described in the license shall be a sum equivalent to the capitalised value of the rent which he paid for the land while he held it on perpetual lease with twenty-five per centum added to such value.
- (2.) The improvements previously made by the licensee, and the period of his residence on the land during the term of his holding the lease shall be considered as being made under the terms of his license.
- (3.) No declaration or deposit shall be required of the licensee upon his being granted a license; but otherwise his occupation as a selector shall be considered a new occupation from the date of the license, and his tenancy under his former lease shall be determined as if it had never existed.
- (4.) If the application is rejected, the lease delivered by the lessee shall be returned by the Board to the applicant, and shall continue in full force.

Section twenty-six of the Amendment Act is hereby repealed.

Exchanges of tenure not permitted of lands acquired after the passing of this Act.

13. No exchange of tenure from license on deferred payment to perpetual lease under section one hundred and thirty of the principal Act, or from perpetual lease to license on deferred payment under section twenty-six of the Amendment Act, or the last preceding section of this Act, shall at any time or during any period be exercised by any person more than once, either by himself or by any other person on his behalf, nor shall any such exchange at any time be permitted in respect of any land acquired under either of such tenures after the passing of this Act; and the last aforesaid sections shall be deemed to be repealed in respect of all lands acquired as herein last aforesaid, and in respect of all persons who have once exercised the privileges granted thereunder.

Nothing in the principal Act contained shall be construed to debar any deferred-payment selector from exchanging his license for a perpetual lease under section one hundred and thirty of such Act, notwithstanding that he has capitalized the value of the unpaid instalments of such license under section one hundred and twenty-six thereof.

Village-settlement lands to be open for selection under Amendment Act.

14. Notwithstanding anything contained in section three of the Amendment Act, the Governor may from time to time declare under the said section three that any land heretofore or hereafter to be set apart for village-settlements shall be open for sale and selection in

manner and subject as mentioned in the said section; and all lands notified as aforesaid under the said section three, and this section, shall be open for selection as village-settlements under section six of the Amendment Act.

There shall be excepted, however, from any notification to be made under this section, all lands which are now held under certain regulations made the first day of September in the year one thousand eight hundred and eighty-six, whereby money-advances for the erection of houses are authorised to be made to the settlers in settlements to which the said regulations apply. Exception.

Section three of the Amendment Act is hereby amended by the omission of the words "and by public notification."

15. The Commissioner may issue in such form as he thinks suitable, annual licenses, at a fee of ten shillings each, authorising the holders thereof to search over any Crown lands in respect whereof it is issued, including forest lands and land subject to "The New Zealand State Forests Act, 1885," and to dig for and remove kauri-gum therefrom. Licenses for kauri-gum digging.

Every such license, however, shall be limited, and shall bear upon the face of it a condition that, in respect of forest lands and land subject to the Act last aforesaid, and lands within a belt of one mile in width surrounding the same respectively, it shall be in force only during the period from the first day of May to the thirtieth day of September inclusive. Restriction as to forest lands.

- (1.) Every person, being the holder of any such license, who at any period of the year other than as aforesaid, searches, or digs for, or removes kauri-gum from forest lands or land subject as last aforesaid; and
- (2.) Every person, not being licensed as aforesaid, who at any period of the year searches, or digs for, or removes kauri-gum from any Crown lands, including as in this section above first mentioned—

shall be liable for each such offence to a penalty not exceeding twenty pounds, to be recoverable in a summary way, or imprisonment for a term not exceeding one calendar month.

From and after the passing of this Act, the words "Digging for or removing kauri-gum," in section two hundred and twenty of the principal Act shall be repealed.

16. The provisions of section thirty-three of "The Land Act Amendment Act, 1887," shall have full force and effect with respect to all leases issued and still subsisting under any of the provisions contained in the Appendix E to "The Land Act, 1877," or in the Third Schedule of "The Land Act 1877 Amendment Act, 1882," or in the Appendix C to "The Land Act, 1885," and to all leases which may hereafter be issued under the last mentioned Appendix C. And all provisions of any other Act repugnant to the provisions of this section are hereby repealed in so far as they are repugnant as aforesaid. Further provisions as to Nelson leases.

17. Every Land Board shall henceforth consist of, besides the Commissioner, not less than two nor more than four other members. Constitution of Land Boards.

Section thirty-six of the principal Act is hereby amended by the substitution of the word "four" for the word "five" therein.

Commissioners of  
lost-land orders.

Outlying islands  
annexed to  
Southland Land  
District.

Section thirty-one of the Amendment Act is hereby repealed.

18. Every Commissioner of Crown Lands shall *ex officio* be, and shall be deemed to have been from the date of the coming into operation of the principal Act, a Lost Land Order Commissioner under "The Lost Land Orders Act, 1861," for the purpose of investigating and completing any undetermined matter under such Act, notwithstanding the repeal thereof.

19. For purposes of administration of the principal Act,—  
Solander Island, and Ruapuke Island in Foveaux Straits, which were excluded from the limits of any former province, together with the Snares Islets, the Auckland Islands, Campbell Island, the Antipodes Islands, the Bounty Islands, and all other islands or islets within the limits of the colony which lie south of the forty-seventh parallel of south latitude, shall be deemed to be included within the Land District of Southland.

The Governor may, from time to time, make special provision by Proclamation as to such administration, and bring into force within the aforesaid islands or islets, or any of them, such of the provisions of the principal Act, or any Act amending the same, as he shall think fit, or make such other provisions as he shall think better suited to the circumstances of the aforesaid islands or islets, for the occupation of the Crown lands therein, for the prevention of trespass thereon, the protection of animals and birds frequenting the same or any of them, and for imposing penalties for the breach of any of such provisions.