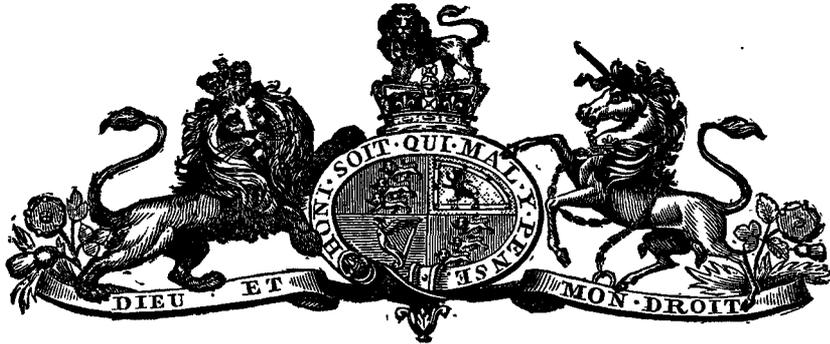


NEW ZEALAND.



ANNO TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

No. XXXIX.

ANALYSIS.

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| <p>Title.
Preamble.
1. Short Title.
2. William Russell Russell authorized to select eight hundred acres of land without cost.</p> | <p>3. Lambert's application for land selected by Russell declared valid but Lambert to have no claim against Russell for breach of contract for sale thereof.</p> |
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AN ACT to authorize the Issue of a Grant of Land to
William Russell Russell late a Captain in Her
Majesty's Fourteenth Regiment of Foot.

[20th October 1868.]

WHEREAS by "The Waste Lands Act 1858" it was amongst
other things enacted that every naval and military officer
whether on full or half pay and every non-commissioned
officer and private marine and seaman whether belonging to Her
Majesty's service or to the service of the East India Company
who might retire or obtain his discharge from the service to which
he might belong or who having retired or obtained his discharge
for the purpose of settling in the Province of New Plymouth or
Wellington had not selected land under any former law or regula-
tion enabling Naval and Military Settlers to select land free of
cost should be entitled to land free of cost in the said Provinces
respectively in like manner and upon the same terms and conditions
as Naval and Military Settlers were entitled to land free of cost under
"The Auckland Waste Lands Act 1858" And whereas by "The
Hawke's Bay Naval and Military Settlers Act 1861" it was enacted
that the said provisions should relate to and include the Province of
Hawke's Bay And whereas by the said provisions it is enacted that
every land order issued under the said provisions shall be to the same
purport and shall have the same effect and shall entitle the person
in whose favour the same is granted to the same rights and privileges
as a land order granted by an agent in England to a person emigrating
therefrom after such last-mentioned order shall have been presented to

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and had a note made thereon by the Commissioner as in "The Auckland Waste Lands Act 1858" provided And whereas by "The Auckland Waste Lands Act 1858" it is provided that at the expiration of five years from the day of arrival stated in the note made by the Commissioner on any such last-mentioned land order as the day of the arrival of the person named therein the person entitled to any land selected under any such order shall be entitled to a Crown Grant thereof on proving to the satisfaction of the Commissioner that the person in respect of whom such land order shall have been granted is then within the Province and has resided therein not less altogether than forty-eight calendar months out of the said five years And whereas by "The Auckland Waste Lands Act Amendment Act 1862" after reciting that under the provisions of "The Auckland Waste Lands Act 1858" certain land orders have been and might thereafter be issued entitling the holders thereof to the selection of land subject to the condition of residence in the Province of Auckland for a period of four years and it is expedient to reduce the term of residence required in the said Province to three years and to alter the other provisions of the said Act in accordance with the said amendment it was enacted that sections seventy-one seventy-two seventy-seven seventy-eight and seventy-nine of "The Auckland Waste Lands Act 1858" should be amended by substituting in each of the said sections respectively the word "three" for the word "five" and that the said sections should be read and construed as if the word "three" had been inserted therein in each part thereof instead of the word "five" And whereas William Russell Russell late a Captain in Her Majesty's Fourteenth Regiment of Foot in the year one thousand eight hundred and sixty-two under and in accordance with the provisions of "The Hawke's Bay Naval and Military Settlers Act 1861" selected a certain parcel of land containing four hundred acres And whereas the said William Russell Russell after residing in the said Province of Hawke's Bay for a period of three years and three hundred and fifty-two days out of the period of five years commencing on his arrival in the said Province as required by the provisions of "The Auckland Waste Lands Act 1858" left the said Province of Hawke's Bay and remained absent therefrom until after the expiration of the said period of five years And whereas the said William Russell Russell inquired of the Commissioner of Waste Lands or other officers of the Waste Lands Board for the Province of Hawke's Bay before absenting himself therefrom whether he had performed all the conditions entitling him to a grant of the land selected by him And whereas the said Commissioner or other officers believing that the provisions of "The Auckland Waste Lands Act Amendment Act 1862" extended and applied to the Province of Hawke's Bay as well as to the Province of Auckland informed the said William Russell Russell that he had performed all such conditions as aforesaid and the said William Russell Russell relying on the information so given and not knowing or believing that any doubt existed as to the application of the said last-mentioned Act to the Province of Hawke's Bay absented himself therefrom as aforesaid And whereas it is doubtful whether the said last-mentioned Act does apply to the Province of Hawke's Bay and relying on such doubt one Charles Lambert being the occupier of the run within which the said parcel of land selected by the said William Russell Russell is situate has since the expiration of the said period of five years put in an application to purchase the said parcel of land in the manner and form prescribed by the laws regulating the sale of waste lands in the said Province of Hawke's Bay and it is expedient that the said Charles Lambert should be permitted to complete the said purchase and that

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the said William Russell Russell should be permitted to select in lieu of the piece of land so selected by him the said William Russell Russell another portion of the waste lands of the Crown in the said Province of about equal value therewith

BE IT THEREFORE 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 shall be “The Russell Military Grant Act 1868.” Short Title.

2. It shall be lawful for the said William Russell Russell or his agent constituted in writing to select within twelve months from the passing of this Act free of cost in not more than two allotments or in any number of contiguous allotments eight hundred acres from any of the waste lands of the Crown within the Province of Hawke's Bay open for sale or selection as general country land or rural land and upon any such selection being made it shall be lawful for the Governor to execute a Crown Grant thereof without payment of any purchase money to the said William Russell Russell in the usual form and on payment of the fees and charges provided by law for the preparation thereof and the said William Russell Russell shall hereafter have no claim or title to the land so selected by him as aforesaid on the run of the said Charles Lambert.

William Russell Russell authorized to select eight hundred acres of land without cost.

3. The application made by the said Charles Lambert for the purchase of the said land as aforesaid shall be deemed to have been valid notwithstanding the previous selection thereof by the said William Russell Russell provided that the said Charles Lambert shall have no claim or demand against the said William Russell Russell for in respect of or in relation to any breach already or hereafter committed of a certain contract made between the said William Russell Russell and the said Charles Lambert for the letting and sale to the said Charles Lambert of the piece of land so selected by the said William Russell Russell on the run of the said Charles Lambert as aforesaid.

Lambert's application for land selected by Russell declared valid but Lambert to have no claim against Russell for breach of contract for sale thereof.

WELLINGTON, NEW ZEALAND:

Printed under the authority of the New Zealand Government, by GEORGE DIDSBUY, Government Printer.